

# **Post-Separation Parent-Child Virtual Contact: Opportunities and Challenges**

## **Research Report**

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# INTRODUCTION

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## Background

Contact between ‘non-resident’ or contact parents and their children after parental separation and divorce is generally considered important for children’s well-being and adjustment to their family transition (Lamb, 2016; Kelly, 2012; Smyth, 2004). Furthermore, research indicates that it is the *quality* of contact that is important to facilitate rather than focusing on the amount of parent-child time (Carson et al., 2018; Smyth, 2004; Wallerstein & Tanke, 1996). The importance of a child maintaining a relationship with both their parents is also recognised as a principle relating to a child’s welfare and best interests in the Care of Children Act (COCA) 2004.<sup>1</sup>

Parenting plans, and parenting orders under COCA, are often used to set out the day-to-day care and contact arrangements for children whose parents have separated in order for children to maintain a relationship with each of their parents. Contact may be direct (face to face) or indirect. Virtual contact (also called ‘virtual visitation’ or ‘virtual parenting time’) refers to indirect, non-face-to-face contact between a non-resident or contact parent and their child(ren) using electronic, digital or online communication. Reasons for virtual contact vary and may include the following:

- Post-separation relocation – either contested or agreed to – when children move domestically or internationally with one of their parents and are separated geographically from their other parent. In such situations, direct contact may not be frequent or even possible;
- The need for no physical contact and/or supervised virtual contact due to safety concerns; and
- As a supplement to maintain contact between periods of regular face-to-face contact.

In recent years there has been an exponential increase in information and communication technologies (ICT) – technology and devices (such as computers, smartphones, software, applications) that allow information to be transmitted, received and exchanged in digital form. Such technologies facilitate communication and information exchange and allow people to interact and maintain social connections electronically. This has meant that in addition to traditional forms of indirect contact such as texts, letters, phone calls and emails, virtual parent-child contact can now involve a widening variety of new media: video conferencing software such as Zoom, Skype or FaceTime; social media platforms such as Facebook, Instagram, Snapchat, and WhatsApp to exchange text, images or voice data; or online games that parents can play with their children.

With these rapid advances in technology, internationally both the courts and legal scholars have considered the use of ‘virtual visitation’ to facilitate and maintain parent-child contact after parental separation, particularly in relation to relocation disputes. Numerous states in the USA (such as Illinois, Hawaii, Florida, North Carolina, Texas, Florida, Utah and Wisconsin)

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<sup>1</sup> s 5e.

have included virtual visitation in their legislation (see Doucet, 2011). Australia amended its Family Law Act 1975 in 2006 and broadened the definition of parent-child communication to include “electronic means”.<sup>2</sup> In Aotearoa New Zealand, however, while distinguishing between direct and indirect contact, the Care of Children Act 2004 only refers to letters, telephone calls, or email as examples of indirect contact<sup>3</sup> making no reference to other more contemporary types of electronic communication. Yet, New Zealand families are including virtual contact in parenting plans (see Gollop & Taylor, 2012; 2017-2018; Taylor et al., 2010) and, as shown in the following case law analysis, New Zealand Family Court and High Court judges are including virtual contact in parenting orders.

Discussions about the benefits and drawbacks of virtual visitation exist in much of the legal commentary and case law analysis about situations when parents and their children are separated geographically after parental separation (see Doucet, 2011; Flango, 2003; Friedlander, 2002; Gottfried, 2002, 2003; Himel et al., 2016; LaMarca, 2012; LeVasseur, 2004; Shepard, 2002; Shefts, 2002; Smith, 2001; Spatz, 2010; Susskind, 2008; Welsh, 2008). Wolman and Pomerance (2012) note that advocates for virtual contact see it as a way of maintaining contact and maintaining relationships after parental separation. Some authors also recommended that while “virtual visitation is the wave of the future” (Gottfried, 2002, p. 485), legislation or guidelines addressing the scope and appropriate use of virtual visitation were necessary (Doucet, 2011; Gottfried, 2002, 2003; Himel et al., 2016). However, others have regarded virtual contact as “a slippery slope of parental replacement” (Wolman & Pomerance, 2012, p. 2). However, generally, these commentaries regard virtual visitation as a valuable tool and inevitable with the progression of technology, but caution that it is not sufficient as the only form of parent-child contact and should be considered an addition to, rather than a replacement for, direct contact (e.g., Bach-Van Horn, 2008; Himel & Paulseth, 2022; Himel et al., 2016; LeVasseur, 2004).

Since much of this literature was published, technology has become even more advanced and, with the COVID-19 pandemic, the use of virtual modes of communication between family members (including children) has increased (Adamsons, 2022; Copson et al., 2022, 2022b; Grocott, 2022; Himel & Paulseth, 2022; Oehme et al., 2021; Orlando et al., 2021; Roche et al., 2022; Singer & Brodzinsky, 2020; Szalma & Rékai, 2020).

However, despite legal commentary about virtual contact, changes to international legislation to accommodate its use, and an increase in families’ use of virtual communication, particularly in the context of relocation disputes, very little empirical research has been undertaken on this topic, internationally or within Aotearoa New Zealand. Furthermore, much of the research that does exist is somewhat dated, narrowly focused on telephone contact or older technology, small scale, or predates the COVID-19 pandemic, a period during which the use of ICT became more widespread for education and communication purposes. Children and young people’s familiarity and ease with digital devices, social media electronic communication has also increased dramatically since much of this work has been conducted. New research about post-separation virtual contact, particularly from a New Zealand perspective, is therefore needed. This project aims to address this need.

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<sup>2</sup> Family Law Amendment (Shared Parental Responsibility) Act 2006, s23C(2).

<sup>3</sup> s 48(3)(a).

## Project Overview

The research project investigated post-separation parent-child virtual contact and aimed to understand the opportunities, benefits, challenges, and risks of virtual contact from multiple perspectives. This report focuses on legal, academic, and family justice professionals' perspectives on virtual contact and involved:

- a literature review;
- a case law analysis;
- consultation with key stakeholders in the family justice sector; and
- a nationwide online survey of family justice professionals.

Proposed future phases would:

1. Ascertain parents/caregivers' and children and young peoples' perspectives and experiences of post-separation virtual contact; and
2. Produce resources and best practice guidelines for families and family justice professionals.

The overall objective of the entire proposed project is to add to the evidence base about the use of post-separation virtual contact in Aotearoa New Zealand and provide separated families and family justice professionals with up-to-date information, resources and guidance on how parent-child relationships can be successfully and safely facilitated and maintained after parental separation through the use of electronic/digital modes of communication.

## Research Team

### Principal Investigator

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### Project Advisors

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# LITERATURE REVIEW

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## Introduction

There is a paucity of empirical research about the use of virtual contact to maintain parent-child contact and relationships after parental separation. However, research about the role of information and communication technology (ICT) in family communication and family relationships is plentiful.

Some of the work in the field of mediated family communication focuses on families living in the same household and how it impacts on daily life and relationships. With our increasingly “networked households”, while ICT use in the home might contribute to less communal activity, it also affords communication and connection while household members are apart and can enable parents to share online experiences with their children (Kennedy & Wellman, 2007).

Another body of work, more relevant to the topic of post-separation virtual contact, examines mediated communication between family members separated by distance, including children and parent(s), in broader contexts such as:

- adopted or foster children’s contact with birth parents;
- transnational families with children who have a parent living and/working remotely, for example, migrant parents working abroad while children remain in their home country; refugee families;
- parents working or travelling in other locations (e.g., Fly-in Fly-out (FIFO) workers);
- parental incarceration;
- parents in the military;
- distance due to COVID-19 restrictions and border closures; and
- contact with extended family members (e.g., grandparents).

These contexts are diverse and vary in the reason for the geographical distance between children and other family members and whether the separation is permanent or temporary. There are also issues particular to each situation. For instance, in military families while virtual contact can assist with feelings of connectiveness and intimacy and allow parents to participate in everyday family life and parenting, albeit remotely (Heiselberg, 2016; Wood et al., 2022), difficulties exist around communication infrastructure and time differences (Wood et al., 2022). Communication between family members in military and refugee families can also be challenging when the distant person needs or wants to hide their location, appearance or living conditions from family, and when family members are worried or concerned for their distant relative or vice versa (Blasko & Murphy, 2016; Shah et al., 2019; Wood et al., 2002). In addition, Ducu et al. (2022) found that sometimes communications between children and their distant parents could be censored to protect them from distressing information which, they argue, limits their participation in family life and decisions.

Video contact between incarcerated parents and children, while regarded as superior than telephone contact and able to create a sense of connection, is not commonly available in

prisons and is made challenging by infrastructure issues, such as poor quality of, or lack of access to, the Internet and technology (Flynn et al., 2020; Horgan & Poehlmann-Tynan, 2020; see also Loper & Coleman, 2014; Phillips, 2012).

Many of these situations above involve family members separated by distance, but not necessarily by parental separation. However, common themes emerge in this research about mediated family communication which can provide useful insights applicable to the context of post-separation parent-child contact. This research will be reviewed below, before a more detailed review of the small number empirical studies that focus on post-separation virtual contact.

## **General Research About Mediated Communication to Facilitate and Maintain Connections in Families Separated by Distance**

A large body of research exists about the role of ICT in mediating family relationships, including its use in maintaining and facilitating connections between family members separated by distance. Licoppe (2004) discusses how people can maintain a sense of “connected presence”:

... in which the (physically) absent party renders himself or herself present by multiplying mediated communication gestures up to the point where copresent interactions and mediated communication seem woven into a seamless web. (p. 135)

Licoppe (2004) argues that rather than communication modes such as telephones and text messaging acting to compensate for absence, they can be used to provide continuous mediated interactions and communications which blur the boundaries between absence and presence. Similarly, Christensen (2009) found communication via mobile phone by parents and children created a feeling of closeness while apart, demonstrating that “mediated intra-familial communication is part of a continuous affirmation and reaffirmation of close relationships within the distributed family” (p. 435).

Madianou (2016) further extends the notion of a mediated connected presence afforded by technology to propose an “ambient co-presence” – “a more peripheral awareness of distant others enabled by technological convergence and the affordances of social and mobile media” (pp. 183-184). The ubiquitous nature and broadening range of technology can now create polymedia environments (see Madinaou & Miller, 2012a) which Madianou (2016) suggests facilitates an ambient co-presence, whereby people can maintain an awareness of others which is not based on direct interactions or communication. Examples include location/GPS indicators, status symbols (e.g., whether someone is online, away, etc.) and information from social media posts such as Facebook.

While such ideas generally promote a positive view of mediated family communication, research and views on the effect of ICTs on family relationships are mixed (see Gora, 2009; Janning, 2019; Lanigan, 2009). In intact families, technology can, for instance, displace family time, or conversely, allow extra modes of family communication (see Gora, 2009; Lanigan et

al., 2009). And, in her research with transnational families, Madianou (2016, 2019) reported that while ambient co-presence could supplement forms of direct communication and increase connectivity, it could also give rise to negative effects, such as conflict, ambivalence, monitoring and surveillance.

Generally, though, the use of ICT to maintain family connectedness is well established in the literature, with the following caveats:

1. That it is used to supplement, not replace, face-to-face physical contact (see Copson et al., 2022; Furukawa & Driessnack, 2013; Greenhow et al., 2017; Horgan & Poehlmann-Tynan, 2020; McClure & Barr, 2017; Phillips, 2012; Iyer et al., 2020a; Research Centre for Children and Families, 2020; Wolman & Pomerance, 2012).
2. Virtual means of communication are not a panacea for physical distance and prolonged separation. While relationships can be maintained and strengthened by digitally mediated communication, they are not sufficient to create relationships and bonds (Madianou & Miller, 2012b; Singer & Brodzinsky, 2020; Wilding, 2006). Furthermore, as noted by the Research Centre for Children and Families (2020, p. 2): “positive aspects were most evident where there was a pre-existing positive relationship between parents and children that can be maintained virtually” and that virtual communication “does not per se improve an already strained relationship”.

Common themes emerging from this literature with relevance to the topic of post-separation virtual contact include: the use of digital communication for remote parenting; asymmetries between parents’ and children’s preferences; child age; the need for adult facilitation or scaffolding; safety concerns; cultural considerations; and access and affordability issues.

## Parenting Remotely via Digital Technology

In some situations such as contact with grandparents, adoption, and children in out-of-home care, mediated communication is largely about maintaining contact and fostering relationships. However, in others, mediated communication can involve parenting children remotely. In the context of virtual contact after parental separation, the term ‘virtual visitation’ is commonly used in the US, while others (e.g., Birnbaum, 2019a; Saini et al., 2013; Saini & Polak, 2012a) use the term ‘virtual parenting time’, reflecting the ongoing parenting role of a non-resident parent.

Inherent in parenting remotely is taking part in children’s everyday lives, being with them while they do mundane activities and sharing in their achievements. As indicated above, in military families virtual contact can allow distant parents to be involved in day-to-day parenting activities, such as watching dinner or bath time, reading bedtime stories, etc. (see Heiselberg, 2016; Wood et al., 2022). This could also involve virtual video calls with geographically distant family members occurring while travelling or engaging in activities outside the home, which Katz and Crocker (2015) termed ‘virtual accompaniment’. This allows distant family members to share virtual tours of their lived environment and homes, but also places such as museums, tourist sites, and events, such as weddings, children’s sports practices and games (Demirsu, 2020; Katz & Crocker, 2015; Neustaedter et al., 2015). Neustaedter et al. (2015) reported that teenagers also used video-chat outside the home to share performance acts, such as skateboarding or biking.

Judge and Neustaedter (2010) found that families with children particularly valued being able to share mundane, everyday life with distant family members. Participants in several studies spoke of having “open connections” (Neustaedter et al., 2015) – leaving Skype or video calls on for prolonged periods to just ‘hang out’ with people (such as romantic partners, grandparents or children) remotely (Buhler et al., 2013; Cao et al., 2010; Judge & Neustaedter, 2010; Katz & Crocker, 2015; Liang et al., 2023; Neustaedter et al., 2015; Madianou, 2016; Madianou & Miller, 2012b; Share et al., 2018; Stewart Titus, 2012). In this way, distant loved ones could be part of everyday family life and share joint activities, such as watching movies or television and playing games together. For example, in a study of work-separated Chinese families (Liang et al., 2023), parents of young children reported the practice of ‘accessible watching’ via video where parent-child interactions were scattered throughout a whole day, more closely resembling ‘authentic togetherness’ than an intensive video call of short duration. “Virtual caregiving” or “baby sitting”, whereby grandparents engage with and monitor young children remotely while their parents are in other areas of the house (for example, while cooking dinner) has also been reported (Demirsu, 2020; Katz & Crocker, 2015). With the availability of mobile devices, virtual contact need not, therefore, be static or restricted to sitting in front of a computer in the home. (However, in the context of post-separation virtual contact, safety and privacy issues may exist that preclude this, which will be discussed later).

Remote or digital parenting features strongly in research about transnational families and ICT (see Nichols & Selim, 2022, for a review of digitally mediated parenting). Such situations often involve children remaining in their home country while their parent(s) moved abroad to work and ICT and digital tools are often used to remotely parent in addition to maintaining relationships and connections (Graham et al., 2012; Nichols & Selim, 2022; Madianou, 2012, 2014, 2016, 2019; Madianou & Miller, 2011, 2012a, 2012b; Stewart Titus, 2012). Madinou’s work with Filipino and Caribbean transnational families showed that absent mothers spent a lot of energy “intensively mothering” from afar via technology, witnessing their children’s development, playing with them, helping with homework via Skype, enquiring about their children’s diet and nutrition, offering advice to caregivers, and monitoring and disciplining their children remotely. Through the use of mobile phones mothers could thus remain involved in everyday parenting and micro-manage aspects of their children’s lives and households (see Madianou, 2012; Madianou & Miller, 2011, 2012b). Mothers who had migrated before digital technologies became prevalent went on “communication binges”, frequently using multiple platforms to contact their children.

Left-behind children showed ambivalence in how they experienced this remote parenting, with some viewing this involvement of their distant parent as a form of surveillance, discipline and control and finding the degree of contact intrusive, while others were satisfied with their relationship with their parents (Chen, 2020; Hoang & Yeoh, 2012; Madianou, 2019; Madianou & Miller, 2011). Absent parents recovering or continuing their parenting role remotely could be resented by their left-behind children (Chen, 2020; Madianou & Miller, 2011). “For them, digital technology could shift from a vehicle that conveyed affection and care to a cage that facilitated surveillance” (p. 141), which could lead to conflict and children exercising their autonomy and independence by blocking their parent on social media and filtering what information they shared with them (Chen, 2020). Abel et al. (2021) details how this withdrawal and rebuffing of attempted contact can cause great distress, and describes the

negative aspect of social media fuelling conflict when parents can misinterpret their children's social media posts or these alert the distant parent to some transgression by their child.

There is less research about children's virtual contact with migrant fathers, and findings about the nature and frequency of contact are mixed. Some suggest that left-behind children have a greater sense of abandonment when their mothers migrate without them, but such feelings are mitigated by maternal parenting practices and demonstrations of care through frequent contact and supervision from afar (see Graham et al., 2012). Research by Lee (2021) investigated middle-class Korean fathers' remote parenting when their children and wives moved abroad for the children's education. These fathers maintained a very active and intensive parenting role, with daily transnational communication, via telephone and video calls, social media, the exchange of phone and text messages, which provided the children with emotional support and practical care remotely. In contrast to other research about transnational families, where children had little autonomy over contact with their remote parent (e.g., Graham et al., 2012; Madianou & Miller, 2011), an asymmetry in the initiation of communication between these fathers and their children was not found. Because the families could afford it, the children had smart phones, which enabled them to contact their fathers whenever they wished and the families used advanced communication technologies to maintain contact.

While Lee (2021) reported intensive fathering from afar, Durham (2015) found that parenting virtually could sometimes be challenging for soldiers on deployment. A father expressed frustration that he could not parent his teenagers as he wished to remotely, saying, "If my kids were acting up, as a father I wanted to be the disciplinarian, but it is difficult from Afghanistan" (p. 13).

### Asymmetry between Parental and Child Preferences

Differences between parents and children in their preferences and perspectives on different forms of mediated communication have emerged in the literature. As mentioned earlier, a sense of ambient presence, whereby people can maintain an awareness of others, often through social media, which is not based on direct communications, can lead to conflict and feelings of surveillance and monitoring (Madianou, 2016, 2019). For example, in transnational families, Madianou (2019) reported that distant Filipina "mothers would scour their children's social media profiles and tagged photographs for cues about their everyday life" (p. 585). For young people, having their parents 'friend' them on social media, such as Facebook, and/or viewing their social media presence can feel like they are being "spied on", monitored, or that their privacy is compromised (Madianou, 2016; O'Carroll, 2013a; Racz et al., 2017). Similarly, in a study of Vietnamese migrant parents and their left-behind children, phone contact as a way for parents to express their love and care was interpreted by older children as a form of surveillance, control and discipline (hoang & Yeoh, 2012).

Digitally mediated communication can take place through different platforms – it can be textual, audio, visual or audio-visual. It may be static (such as texts) or dynamic (such as videos). Such communication can also be **asynchronous or synchronous**, occurring in real time or not. Madianou (2019) outlines how asynchronous modes of communication can allow users some control over their self-presentation, in contrast to synchronous platforms, such

as video calling, which, while affording emotional immediacy, provide less control for users. Abel et al. (2021) discuss the need for people (particularly young people) to control their online social identity and how they perform “impression management” by limiting family members’ access to their social media posts, only sharing curated photos and preparing their appearance before video calls (p. 12). Neustaedter et al. (2015) similarly found that young people were particular about their appearance on camera. Young people are also reported to exercise control and boundary setting over synchronous visual communication modes and/or preferring non-visual ways to communicate to ensure their privacy (Buhler et al., 2013; Neustaedter et al., 2015; Stewart Titus, 2012).

Asynchronous text-based communication rather than (video or audio calls) is especially favoured by young people (Racz et al., 2017; Rideout & Robb, 2018; Stewart-Titus, 2012; Yarosh & Abowd, 2011). Rideout and Robb (2018) reported that texting was the most preferred way for 13-17-year-olds to communicate with friends – 35%, compared with 32% in-person, and 10% for chatting via video. Furukawa and Driessnack (2013) also reported more text use amongst young adults compared with older adults.

Abel et al. (2021) note that the use of asynchronous text-based chat was useful in cases of conflict, allowing messages to be carefully considered and moderated and the ability to easily withdraw from communication. They also reported that asynchronous chat allows for time differences, and minimises intrusions into other people’s time, allowing them to engage while doing other activities. Chatting or texting can often be phatic in nature and used to reinforce and maintain bonds, but lacks the ability for emotional expressiveness and is less suitable for younger children who may not have their own device or phone (Abel et al., 2021; Yarosh & Abowd, 2011). The preference for text-based communication by young people can also be at odds with synchronous forms of communication favoured by older people and parents (Furukawa & Driessnack, 2013; Madinou & Miller, 2011).

Another area where an asymmetry can exist between children and their parents is in relation to **digital skills and knowledge**. Children today are viewed as ‘digital natives’ having grown up with the presence of digital technology and they may often be more skilled and savvy in using ICT than their parents or older generations. Children have been found to act as ‘brokers’ for their immigrant parents, facilitating their use of digital technology, for example, logging on to Skype, setting up devices, etc. (Gonzalez & Katz, 2016). Similarly, some children and young people in care were found to gain confidence from being the “tech expert” helping adults to manage ICT (Copson et al., 2022).

However, Copson et al. (2022) also reported that not all young people were confident with technology and some were not comfortable with digital communication. Eynon (2020) argues that the concept of a digital native is a myth, not backed with empirical evidence, and that many adults today are proficient with technology. Research has shown that “individuals could be placed along a continuum of engagement with the Internet and other technologies, there was no clear generational divide” (Helsper & Eynon, 2010, cited Eynon, 2020, p. 135). So, just as children and young people vary in their proficiency, familiarity and access to digital technology, so too do adults. However, any mismatch between parents and children in access, familiarity and competence with technology may present a challenge to the use of virtual contact. Parents who have limited knowledge or experience of ICT have been found to be

more likely to either minimally mediate their children's use of digital technology or be very restrictive (Nichols & Selim, 2022). Therefore, parental lack of skill in particular technologies and concerns about online safety risks could act as barriers to virtual contact or use of particular communication modes. Furthermore, parents are more likely to have more positive attitudes towards technology they themselves use and are comfortable with and therefore more likely to use them with their children (Connell et al., 2015). Therefore, an asymmetry between parents and children in their knowledge and familiarity with ICT and particular modes and platforms for communication, could also act as a barrier to parents using the communication modes preferred by their children.

In addition to differences in the preferred type and mode of communication between young people and parents, an **asymmetry relating to reciprocity and instigation** has been reported. Several studies found that distant parents expressed a desire for frequent contact with their child/ren, while children may be reluctant (or unable) to initiate, engage or reciprocate contact (Dalsgaard et al., 2006; Pan et al., 2013; Stewart Titus, 2012; Yarosh, 2008; Yarosh & Abowd, 2011). Parents may therefore initiate contact more often than their children (Stewart Titus, 2012), which young people could find intrusive, especially if they were busy doing other things (Madianou & Miller, 2011; Racz et al., 2017; Yarosh & Abowd, 2011).

Similarly, children could feel pressured to talk with distant family members they did not know well (Gonzalez & Katz, 2016). Several studies found children (particularly older) can be reluctant to engage in virtual contact with family members, finding it boring or they would rather be doing something else (Flynn et al., 2022; Share et al., 2018; Wood et al., 2022; Yarosh & Abowd, 2011). For example, in their research about Vietnamese migrants, Hoang and Yeoh (2012) reported that the left-behind children grew accustomed to the absence of their parent, and became bored with the repetitive conversations they had, gradually losing interest, which the authors coined "out of sight, out of mind". This lack of interest was exacerbated by the children's caregiver's lack of effort in reminding them about their absent parent, highlighting the need for support from the other parent or carer. Yarosh and Abowd (2011) found that both children and their parents described how sometimes the children felt a sense of obligation or a lack of motivation to talk with their parent who was absent for work-related travel, because it interrupted their routines or took them away from other activities. A comment by one father highlights the difference in expectations around virtual contact between parents eager to talk to their children and the children who want to do something else: "I'm calling from Iraq, and he's like, 'Dad, my friend is here. I need to go play.'" Differences in expectations and desire or motivation to engage in virtual contact can therefore lead to parental disappointment and dissatisfaction for both parents and their children.

In several studies children expressed dissatisfaction with their **lack of agency** in being unable to call their distant parent, rather having to wait for their parent to call them (Graham et al., 2012; Madianou & Miller, 2011). In transnational families, often adults are the instigators and gatekeepers of contact and communication, with children being unable to initiate contact themselves, especially true if they did not have their own mobile phone, which some children expressed a desire for (Graham et al., 2012; Pan et al., 2013). Graham et al. (2012) asserts that much of the literature on remote parenting views children as passive recipients and remind us that: "The agency of young children in processes of connection and contact must

be recognised” (p. 806). Being able to access and use ICT enables children in transnational families to exercise their agency to, not only instigate, but also shape, the communication they have with their remote parent(s) (Ducu et al., 2022).

## Children’s Age

The age of the child emerged as a key factor to consider in relation to children having virtual contact with a parent (or other family member), and as discussed above, the age of the child is important when considering the mode of communication used.

### Very Young Children and Virtual Contact

Very young children’s relationships with adults develop through physical proximity, eye contact, facial expressions and touch, which can be difficult, if not impossible, to achieve through virtual contact (Copson et al., 2022). While communication via telephone or video calling may provide auditory and visual interactions, touch and physical interaction is not possible (Bennette et al., 2021). McClure and Barr (2017) therefore advocate that direct contact is necessary as well as video-chat which is “unlikely to be replacement of for the richness and complexity of face-to-face interactions” (p. 244).

Additionally, children under the age of five can struggle with communication via telephone (Ames et al., 2010; Ballagas et al., 2009; Tarasuik et al., 2013; Tarasuik & Kaufman, 2017). They can forget the person at the other end of the phone isn’t physically present with them, and gesture to things in the room or fail to hold the phone in a position to hear, or be heard by, the other person. Communicating using only words can also be difficult for young children, who need non-verbal communication, such as body language and facial expressions, and actions to express themselves (Ballagas et al., 2009; Tarasuik & Kaufman, 2017). Ballagas et al. (2009) also note that the art of conversation is a skill that children develop slowly and talking on the telephone can be challenging for young children due to its artificial nature and their lack of telephony skills. This can lead to children being unmotivated and unengaged, seeing phone calls with remote family members as a chore.

Virtual contact via video-conferencing can overcome some of the challenges associated with telephone contact for young children, and has been found to be more enjoyable for participants, allowing play- and visual-based communication rather than a reliance on conversation (Ballagas et al., 2009; Fuchsberger et al., 2021; Tarasuik & Kaufman, 2017). Children and adults can interact non-verbally, playing games, showing objects and toys, playing musical instruments, etc. (Ballagas et al., 2009; Hogan & Poehlmann-Tynan, 2020; Tarasuik & Kaufman, 2017) or adults can read stories to children (Yeary et al., 2012).

Research shows that infants and young children can respond to video-chats and form relationships with on-screen partners (Myers et al., 2017; Myers et al., 2018; Roche et al., 2022; Tarasuik & Kaufman, 2017). Tarasuik et al. (2011) also found that parental virtual presence was enough to increase children’s security in unfamiliar environments and that video was more akin to physical presence in providing children with a sense of proximity and a “real enough” experience than audio-only communication. Therefore, video-communication can help minimise separation anxiety in children (Tarasuik & Kaufman, 2017).



Furthermore, Tarasuik and colleagues reported that children in their research were happier and more animated and engaged during video contact with family members and behaved in similar ways to those seen during a physical interaction (Tarasuik et al., 2013; Tarasuik & Kaufman, 2017).

However, young children find it cognitively challenging to transfer what they see on video and screens to real-world situations so that they react differently to people on video than when seeing them face-to-face (Barr, 2013; McClure & Barr, 2017; Troseth et al., 2006; Wilkinson et al., 2021). This difference between what a child learns via video and what they learn from a physical and live event has been termed a “video deficit” (Horgan & Poehlmann-Tynan, 2020; Troseth et al., 2006) and usually is seen in children aged 18-36 months. Children around the age of four years are able to understand that video calls are real but that the person is not physically present (Bennette et al., 2021; Copson et al., 2022). However, while young children may not learn well from screens and video, research has indicated that this does not negate them participating in, and being engaged with, video-communication (Tarasuik & Kaufman, 2017). The so-called ‘video-deficit’ is often found with passive, non-interactive engagement with screen media, whereas video-communication is usually active with interaction between the child and communication partner (Tarasuik & Kaufman, 2017). In addition, limited shared visual space and the position of web-cameras causing gaze misalignment can make joint visual attention during video-chat difficult for very young children (McClure et al., 2018). So, while communicating via video calls with babies and pre-schoolers can be difficult, some of the challenges can be mitigated when the interaction is child focused and fun, involving activities such as singing, reading stories, playing games, etc. (Neil et al., 2020a).

With the rapid rise in digital media use there are also concerns about the impact of screen time on children, particularly young children. The American Academy of Pediatrics (AAP) (2011) and the New Zealand Ministry of Health (2017) caution that electronic media use by children under the age of two should be discouraged. Ministry of Health guidelines further recommend recreational screen time for children aged 2–5 years should be limited to one hour per day and for older children, less than two hour per day (see Wilkson et al., 2021). A recent evidence brief (Wilkinson et al., 2021) notes that only one in eight children in Aotearoa New Zealand aged under 15 are meeting these screen time guidelines. However, the authors acknowledge that digital media use is a reality for many contemporary families and note that while there is evidence of a negative link between its use and children’s ability to focus their attention and regulate their behaviour and emotions, it is young children’s *non-interactive* passive screen time that is likely problematic (Wilkinson et al., 2021). In line with this, the AAP (2016) and the American Academy of Child & Adolescent Psychiatry (2020) both now recommend avoiding digital media for children younger than 18 months, *with the exception of live video-chats with adults*. In their adherence to the AAP guidelines for infants and toddlers, parents themselves also make distinctions between using video-chat with family members while restricting other forms of screen time (McClure et al., 2016). Again, such guidelines distinguish between passive and interactive exposure to screens.

## Communication Mediums for Different Ages

Due to differences in development and communication abilities and preferences, the communication modes and platforms for virtual contact can vary depending on a child's age. Saini et al. (2011) and Saini and Polak (2012a) helpfully set out developmental considerations for virtual contact for developmental stages and ages, such as language, social, physical and moral development and the degree of parental assistance required. They conclude that virtual contact can be utilised with any age group, but the effectiveness of virtual contact will generally increase as children get older, because of their increasing ability to engage in more complex activities, interactions and conversations.

Ofcom (2023) reported on how children of various ages engaged with digital media and what they were doing online. They developed a typical profile of each of the following age groups:

- Aged 3–4 years – “Supervised Explorers” – nearly half (48%) had used apps or websites to send messages or make video or audio calls, usually with WhatsApp and FaceTime. However, it was thought that they would have been assisted by an adult. Two-thirds of the parents of children of this age said they supervised or helped their child with their digital activities.
- Aged 5–7 years – “Increasingly Independent” – children were becoming more independent, with 39% having their own YouTube profile, 59% had used apps or websites to send messages or make video or audio calls, again likely with adult help.
- Aged 8–11 years – “Developing Skills” – 82% had used apps or websites to send messages or make video or audio calls, via WhatsApp and FaceTime, but also Snapchat and TikTok. It was common for this age group to have their own profiles on social media such as TikTok (32%), WhatsApp (32%) and Snapchat (24%), despite, all these social media platforms having an age requirement of 13 years.
- Aged 12–15 years – “Connecting and Creating” – nearly all (98%) of this age group sent messages or made video or audio calls and 93% used social media sites. WhatsApp (80%), Snapchat (62%), Instagram (46%) and TikTok (44%) were the most commonly used apps for this. Nearly half (47%) had also posted their own content online via TikTok (34%) or Snapchat (20%). Nearly all (98%) owned a mobile phone.
- Aged 16–17 years – “Branching Out” – at this age young people were using a wide range of apps, including Facebook, Twitter and Pinterest. Nearly all (98%) sent messages or made video or audio calls and used social media sites and used social media (97%). Most (97%) used mobile phones to go online.

App use with children and young people can change over time as new apps are released and popularity changes. In the US, the Pew Research Centre recently reported that TikTok, Snapchat and Instagram are now the most popular apps, used by around 60% of teenagers. However, while Facebook was very popular in 2014–2015 with teenagers – 71% used it – by 2023 this had dropped to 33% (Anderson et al., 2023). Differences in ICT and platform use between boys and girls have also been found (see Anderson et al., 2023; Nichols & Selim, 2022; Ofcom, 2023).

For older children and young people, using digital technology and social media is something they are comfortable with and use to communicate with friends, making virtual contact with family members a familiar means of communication (Iyer et al., 2020a, 2020b; Research

Centre for Children and Families, 2020). As noted earlier, adolescents prefer asynchronous text-based communication. Buhler et al. (2013) found that while teenagers used video-chat for a variety of purposes to communicate with friends, they used texting when they did not wish to feel obligated to have a lengthy conversation.

Neil et al. (2020a) reported that familiarity and comfort with technology and the mode of communication used was important for children in out-of-home care when having digital contact with birth parents. This was especially true for older young children for whom this was their preferred way of communicating. Rudi et al. (2015) found that parents adapted their use of ICT to communicate with their children to meet their developmental needs and capabilities. For instance, parents of adolescents were more likely to communicate with their children via text, email, SNS and Skype. And, unsurprisingly, parents of pre-schoolers were less likely than parents of older school-aged children to use text-based communications. However, parents also need to be mindful that children and young people may not necessarily wish to engage with their parents via social media, which they could find embarrassing or intrusive (West et al., 2009; see also Nichols & Selim, 2022). Parents or grandparents 'friending' their children on social media platforms, such as Facebook, may not always be welcomed or young people may change their privacy settings to ensure parents and other family members do not see all that they post (see Abel et al., 2021). Other studies, however, have shown that young people were happy enough with older family members and parents being Facebook friends (Chen et al., 2010; Tamme & Siibak, 2012; see also Tariq et al., 2022) and that it may, in fact, offer some protection against negative experiences online, such as being cyberbullied (Mesch, 2016).

Once older children have their own mobile phones, 'on-demand' or 'unregulated contact' with family members is possible, which has both affordances, but also risks in some cases. For instance, mobile phones can allow unmonitored or unsupervised informal contact, which may not be in a child's best interests (Greenhow et al., 2017). In the context of parental separation, young people having their own cell phones and being able to communicate directly with their non-resident parent can lessen the need for cooperative co-parenting to facilitate parent-child contact. It can also allow more everyday contact, allowing a parent to keep informed about their child's life, thus minimising the need to obtain this information from the other parent (Beckmeyer et al., 2019).

Copson et al. (2022) reported that digital communication could reduce power imbalances between young people and adults and the less direct nature of virtual contact allowed them some autonomy and control. Therefore, taking into account children and young people's own usage and preferences when considering what communication modes to use for virtual contact would seem good practice, as well as allowing children input into such decisions. Educating parents about children's developmental needs and capabilities and managing their expectations would seem pertinent to ensure virtual contact is effective and satisfying for both parents and children.

## Need for Adult Facilitation or Scaffolding

Unless children and young people have their own device and can independently contact a parent or family member, communication via digital technology requires scaffolding and facilitation by an adult. Children are reliant on adults to provide the necessary technology and devices and assist with setting it up and connecting with others remotely (Copson et al., 2022; Yarosh & Abowd, 2011). Young children, in particular, who do not have the language or technical skills to send emails or text-based messages, also need others to facilitate such communication. Furthermore, many of the platforms used for digital communication are designed for adults and have a 13 years and older age restriction, which therefore also require the use of adult-owned devices, app accounts and logins.

Research on very young children and infants' use of digital media and video calls has shown that co-viewing and scaffolding supports young children to respond to and learn from video-chat and helps children make sense of what they are seeing on-screen (Ames et al., 2010; Barr, 2013; Myers et al., 2018; Roche et al., 2022; Strouse et al., 2021). For children in care, having foster parents or social workers or supervisors being physically present and actively involved in virtual communication between children and their birth parents has been found to reinforce children's engagement with their parent(s) (Singer & Brodzinsky, 2020).

Video calling with young children also requires parents (or another adult) to "scaffold a dyadic interaction between the infant and their across-screen partner" (Roche et al., 2022, p. 1025; see also Copson et al., 2022; McClure & Barr, 2017). For instance, an adult may need to not only set up the technology and calls, but also help keep the child engaged and focused if they wander off, get bored, or struggle with the conversation (Ames et al., 2010; Copson et al., 2022).

The success of video-chat interactions also depends on the sensitivity and responsiveness of the video-partner to the child in overcoming the video-deficit detailed earlier, and is associated with greater child attention and positive emotional responding (McClure et al., 2018; Myers et al., 2017; Strouse et al., 2021). If children become distracted or bored, the active and responsive engagement of adults (either as communication partners or facilitators directing the child's activities) can be required. Children can also grow out of being observed and 'performing for the camera', requiring more effort to engage with them via video calls (Share et al., 2018).

Ames et al. (2010) detail the technical and social work involved for the co-located parent or adult in scaffolding video calls between children and distant others. This could involve:

- *technical work*, such as setting up the technology;
- *coordination work*, involving scheduling and organising contact;
- *presentation work*, such as considering where to place cameras, ensuring privacy and tidiness of environment, and in ensuring the child remains in the picture;
- *behavioural work*, involving managing children's behaviour, such as boredom, lack of engagement or disruptive behaviour, and ensuring children's physical needs are met; and
- *scaffolding work*, helping children to understand how to engage virtually, guiding their conversation, teaching them about turn-taking, etc.

Share et al. (2018) argue that video calling with children can require emotional labour and be effortful and performative for all parties – the child, the person they are interacting with, and the co-located adult – acting as “performers, directors and audiences to create meaningful communication” (p. 3011; see also Share, 2019). They describe the work involved in transnational Skype calls:

... although Skype may initially present as an accessible tool for social interaction and for doing family over distance, it does require users to engage in purposeful and collaborative acts to make meaningful communication. A Skype call is rarely an isolated act, but part of a polymediated series of communications in which the ground is prepared for the act of being seen and seeing, often through a text message, Skype message or Facebook communication to arrange a call. ...The opening sequence of a Skype call requires much preliminary work, as in setting the scene for a performance: characters and audience must get settled. ... to successfully engage children in a Skype video call often requires a combination of display and performance, a parent to direct and an audience that engages with the performance. Skype is effortful and emotionally demanding of parents and children. (Share et al., 2018; pp. 3016, 3023)

In transnational communication or situations where one parent is located elsewhere due to military deployment or working away and the family is intact, the facilitator of virtual contact generally has a relationship with the other adult (i.e., they are a partner, spouse, or co-parent) and is motivated to facilitate or scaffold virtual contact. However, in some cases, the co-located adult may not be willing or able to do so. For instance, they may not have the technical skills, could find facilitating virtual contact burdensome, or inter-parental relationship strain or conflict could impact on their motivation to participate in video calls (Flynn et al., 2022; McClure & Barr, 2017; Yarosh & Abowd, 2011). Singer and Brodzinsky (2020) note that the necessary scaffolding, organisation and planning by foster parents to children in care to have contact with birth parents “requires a highly cooperative, motivated and involved foster parent” (p. 162). Such scaffolding and collaboration between caregivers or social workers and parents can signal to the child that they support the children’s contact with their parent(s) (Copson et al., 2022).

Another way then for adults to facilitate virtual communication is to keep the absent parent informed about the child’s life to assist with conversation topics to engage with the child about (Yarosh & Abowd, 2011) or to promote a positive image of the absent parent to the child (Copson et al., 2022; hoang & Yeoh, 2012). hoang and Yeoh (2012) also outline this emotional work required of left-behind parents/caregivers in transnational migrant families:

Equally important for the sustenance of transnational relationships is the quality and intensity of the emotion work performed by carers to build a positive image of the migrant parents in the minds of left-behind children. (p. 321)

For professionals (such as supervisors or social workers), part of the scaffolding process can involve helping the parents to understand their child’s behaviour and emotions and to manage their expectations of the concentration spans of young children (Copson et al., 2022).

Such findings have implications for post-separation virtual contact, where parental relationships may be strained or conflictual and the resident parent may not be motivated or willing to facilitate the contact. Additionally, if there is a history of family violence or coercive control, a victim/survivor being required to facilitate virtual contact may present opportunities for ongoing abuse or coercive control and be unsafe.

## Safety Concerns

**General online safety risks** for children are now well documented and include cyberbullying, being exposed to or accessing inappropriate content (such as pornography and violence), sexual predation or abuse, unwanted and harmful contact, harmful marketing strategies, misinformation, personal data mining and internet addiction (see Bryce et al., 2023; Jang & Ko, 2023; Janning, 2019; Livingstone & Stoilova, 2021; Spielhofer, 2020).

In Aotearoa New Zealand most children use the Internet. In a study by Netsafe over 2000 9-17-year-olds were surveyed and most (77%) reported having regular internet access 'always' or 'often'. Only 2% 'never' had access (Pacheco & Melhuish, 2019). Pacheco and Melhuish (2018) reported that 70% of the 1001 New Zealand teenagers they surveyed experienced at least one type of unwanted digital communication, and for nearly a fifth (19%) this had a negative impact on their daily activities. Netsafe also reported a mismatch between parental awareness of children's online risks and their children's reported experiences (Pacheco & Melhuish, 2020). In particular, parents underestimated their children having online contact from someone they had not met face to face before and their exposure to harmful online content, such as violence, hate speech, drug taking, and ways of harming themselves. Differences have also been found between what parents think their teenaged children do online and what they actually do, including problematic behaviour such as cyberbullying and unsafe interactions (see Nichols & Selim, 2022). Children may therefore be engaged in more risky online activities than their parents are aware of. In Aotearoa New Zealand, younger children (aged 9-11 years) and Pacific children showed less confidence in managing their privacy online (Pacheco & Melhuish, 2019).

Parents and caregivers can therefore be justifiably concerned for their children's safety online. For example, in a recent study by Kimball et al. (2023) of 1005 US parents of children aged 9-15, internet use was perceived as beneficial for family connectiveness, and most (72%) had confidence their children could use the Internet responsibly. However, around a half the parents expressed concerns about specific risks and their impact on their children's development. Similarly, in the UK, a large sample of 2526 parents of 3-17-year-olds reported being concerned about cyberbullying (70%), seeing adult/sexual (73%) or other types of inappropriate content (75%), sharing and/or collecting of personal information (64%), and reputational damage (56%). Overall, nearly half (42%) thought that the risks outweighed the benefits of social media and video-sharing apps and websites (Ofcom, 2023).

Such concerns can result in parents monitoring or restricting their children's internet use and their views of online risks and suitable ages for children having access to the Internet and/or their own device can vary (see Melhuish & Pacheco, 2021). In the context of separated families, parents may also have differing views (Steinberg & O'Sullivan, 2020) resulting in parental disputes over children's mobile phone or internet use. For instance, one parent

might wish their child to have a mobile phone in order for virtual contact to occur, while the other might believe the child is too young or its use becomes contested (see Sjöblom et al., 2018; Szalma & Rékai, 2020).

Safety concerns can also be related to situations involving family violence and parental conflict. Sjöblom et al. (2018) analysed courtroom transcripts to investigate the role of ICT and mobile phone use in 68 contested custody proceedings. They detailed, how for example, a mother found the mobile phone “an unwelcome intruder into family life” with the father’s use of it “invading their home territory”. The father resented the mother recording the calls, and the child displaced other activities to sit by the phone waiting for her father to call. Virtual contact can, therefore, be a source of conflict between parents (Saini et al., 2013), and between children and parents. It can also be used as a tool for **technology-facilitated coercive control and abuse** (Dragiewicz et al., 2022; MacDonald et al., 2023). Technology-facilitated abuse may escalate after separation (Afrouz, 2021), particularly in situations of co-parenting (Dragiewicz et al., 2022). Victim-survivors cannot simply disengage from technology due to their co-parental role with their abuser (Afrouz, 2021; MacDonald et al., 2023; Woodlock et al., 2019). Concerns have also been expressed about abusive former partners being able to invade their former partner’s privacy and home via virtual contact and the potential for their location to be revealed via digital technology, either inadvertently or via the installation of spyware (Klein, 2020; McKay, 2006; see also Markwick et al., 2019).

Dragiewicz et al. (2022) found that post-separation parenting can be a key site of coercive control, which sometimes involved children. They reported that abusers used video calls with children as a way of gaining information about the family:

Using video calls with children to gather information about the family’s whereabouts and activities was a particular challenge for mothers, most of whom were trying to facilitate safe communications between the children and their fathers despite the abuse. (p. 144)

Furthermore, Dragiewicz et al. (2022) found that parents could also abuse, manipulate and control children via technology, by impersonating others and enlisting ‘proxy abusers’ to contact children, “leaving children and their mothers with a constricted sense of safety and freedom” (p. 144).

In the literature about adopted children or children in out-of-home care, virtual contact is reported as providing a safe way for children to have contact with their birth families as it removes any threat of physical harm and can provide a middle ground for children not wishing to have face-to-face contact or unable to do so if there are safety concerns (see Iyer et al., 2020a). However, virtual contact can still present risks of verbal and emotional abuse of children by their non-resident parents (Saini et al., 2013; see also Iyer et al., 2020a). With the ease of social media children themselves may also find and approach family members with whom contact has been prohibited for safety reasons (see Iyer et al., 2020a) potentially putting them at risk.

Greenhow et al. (2017) found that in the context of adoption, virtual contact had both positive and negative aspects, and that what was positive for one family might be negative for



another. They reported that some children found virtual contact with their birth family difficult if they were not emotionally ready for it, with one young person questioning their safety in having contact with someone with a violent past. They note that “young people have the digital skills to perform virtual contact independently but not necessarily the emotional skills to positively manage this practice without support” (p. 47). Inappropriate behaviour from birth relatives was also reported, which was highlighted when contact was virtual, as it was generally more informal and was unmediated or unsupervised. The informal nature of some forms of virtual contact, for example, through social media, meant that some children and young people could be contacted unexpectedly by birth relatives which could be frightening and overwhelming. However, for others, this informality afforded a more natural and spontaneous way of developing connections with birth families, a finding also reported by Iyer et al. (2020a). Neil et al. (2020a, 2020b) similarly found that some children in foster care could be unsettled or scared by video calls with their birth parents, especially when they did not have a good relationship with their parents, a finding consistent with Madianou and Miller’s (2012b) finding that the quality of the pre-existing parent-child relationship was a key factor in the success of transnational digital communication.

## Cultural Considerations

In the literature, very little attention has been given to cultural considerations. Birnbaum (2020) notes that not all parents and children are comfortable with virtual contact and more research is, therefore, needed to “unpack any cultural nuances” (p. 93). While the research about virtual communication in transnational families often relates to children having contact with extended family from their parents’ home countries, maintaining cultural connections and identity is seldom considered or reported. However, maintaining children’s connections to extended family in their or their parents’ home country is often cited as a positive outcome of digitally mediated communication for transnational or migrant families (e.g., Gonzalez & Katz, 2016; Wilding, 2006; Yaman, 2021). Share et al. (2018) do report that migrant families used Skype to have contact with grandparents in Poland to ensure their children knew about their Polish heritage.

Similarly, in Aotearoa New Zealand, research is limited. What is known is that access to, and use of, the Internet use amongst New Zealanders is high (Grimes & White, 2019). In 2021, around 94% of the population were active internet users (Hughes, 2023) and in 2024 internet penetration was at 96% (Kemp, 2024). However, a ‘digital divide’ exists with Māori and Pacific peoples having lower rates of internet access and being more at risk of digital exclusion (see Cullen, 2002; digital.govt.nz, n.d., Digital Inclusion Research Group, 2017; Figuracion, 2015; Grimes & White, 2019; Keane, 2010). In discussing the digital divide, Cullen (2002) notes that “because they are often already disadvantaged in terms of education, income and health status, and also because of their profound cultural differences from the dominant Western culture of the developed world, many indigenous peoples, and some migrant and ethnic minority groups are identified as having a very low uptake of ICTs” (p. 3). Cullen (2002) identifies the following factors as barriers to the use of the Internet: physical access to ICTs and infrastructure; ICT skills and support; attitudes, and content, and asserts that attitudinal barriers can be culturally based. She argues that for “cultures which place a high value on oral culture, personal communication and strong family and kinship networks, the use of computers for communication purposes will not be a high priority” (pp. 6-7).



While recent figures are lacking, research is showing that while Māori and Pasifika rates of internet access are increasing, so too are rates for other ethnic groups (see Brown, 2014; Keane, 2010; Figuracion, 2015). However, while Māori have lower access to the Internet and broadband services than non-Māori, they have higher than average mobile phone access and are more likely to use the Internet for social media, well above the national average, reflective perhaps of the age of Māori internet users (Figuracion, 2015). Similarly, the 2009 Household use of ICT Survey showed Pasifika use of the Internet was much lower than other ethnic groups in New Zealand (Statistics New Zealand, 2009, as cited by Manueli, 2012); however, access to and use of mobile phones was higher for Pasifika than other groups (Statistics New Zealand, 2007, as cited by Manueli, 2012). Research investigating New Zealand children's internet access found that while Asian children reported the most frequent internet access (83%), Māori and Pākehā children had similar rates of frequent use – 78% and 77% respectively (Pacheco & Melhuish, 2019). More recent figures and research about internet and mobile phone access rates for different ethnicities in Aotearoa New Zealand are unfortunately not available.

Very little research examines ICT from a cultural perspective in New Zealand, and what does exist is often in the context of educational use of ICT. Two studies about Pasifika students in high school and tertiary education provide some helpful information about their usage of, and attitudes towards, digital technology. Tommy's (2013) master's thesis reported on 41 Year 13 Pasifika students' uses and views on digital media. All the students used digital technology, with 95% using the Internet at least once a week, 75% reporting they could easily access a mobile phone, and none reporting that they could 'never' access the Internet. However, access to digital media was sometimes an issue, particularly to newer and more expensive forms of digital technology (such as smartphones), which the students regarded as luxury items. The students rated having access to the Internet and a mobile phone as the most important. While most also reported that their perceived skills with ICT as 'excellent' or 'good', they often showed a lack of confidence in the use and understanding of technology. Digital media was primarily seen as a form of entertainment (to watch movies, play games, etc.) rather than as an educational tool. Tommy concluded that the digital divide was apparent in newer technologies, but the students' access to, and confidence with, mobile phones and the Internet was high. However, while the students were generally positive about digital media, they often saw newer forms of technologies and devices as unimportant and unnecessary. This study was very much focused on the types of ICTs Pasifika youth used and its effect on their transition to tertiary education or employment, and did not investigate the use of ICT for communication purposes.

Manueli (2012) also investigated 28 Pasifika tertiary students' use of ICT to understand how it could be used to enhance Pasifika students' learning experiences at university. Like Tommy (2013), Manueli (2012) found that ICT was used predominately for entertainment or personal communication, and that a lack of interest in using ICT or limited access to technology acted as barriers to acquiring ICT skills. All the participants reported that the primary use of their mobile phone was to enable direct communication with family members and the most common use of the Internet was for communication via emails and social media. Those using social networking sites did so to maintain close relationships with friends and family living at a distance. Use of Skype for video calling was low, but some participants used it to talk with friends and family overseas.

There is also a small body of work reporting on Māori use of ICT and digital media – for tangihanga (O’Carroll, 2015; Ngata, 2017, Rangiwai & Sciascia, 2021), art and artefacts (Ngata, 2017), identity (O’Carroll, 2013a; Sciascia, 2016a; Waitoa et al., 2015), cultural revitalisation (Sciascia, 2016b), and political empowerment (Waitoa et al., 2015).

This work considers the impact of digital media on tikanga and traditional values and practices in Te Ao Māori such as *whangaungatanga* (creating, attaining and maintaining relationships), *kanohi ki te kanohi* (the importance of face to face) and *kanohi kitea* (the importance of being seen to strengthen relationships and a sense of belonging) (see O’Carroll, 2013a, 2013b, 2013c, 2013d, 2013e, 2015; Ngata, 2017; Sciascia, 2016a, 2016b, Waitoa et al., 2015).

For Māori, physical presence by the practice of *kanohi ki te kanohi* is fundamental to relationships (Ngata, 2017, O’Carroll, 2013b; Rangiwai & Sciascia, 2021) but, as noted by, O’Carroll (2013b), very little research has investigated how digital technology has impacted on this practice. O’Carroll’s PhD thesis (O’Carroll, 2013c) and subsequent publications investigated the multi-generational use of social networking sites (SNS) by Māori living in Aotearoa and abroad. A sub-set of participants in her study who lived overseas viewed face-to-face interactions and human touch as irreplaceable, but also acknowledged that SNS were “better than nothing” and could offer a temporary solution. Sciascia (formerly O’Carroll) (2016b) writes that:

SNS [Social networking sites] are facilitating whānau connections and communication and thus, increasing whānau ties and connectedness. ... Despite not having the physical human touch when practising whanaungatanga in SNS, emotions continue to be felt and expressed by users, providing a sense of meaningful interactions. ... while *kanohi ki te kanohi* and *kanohi kitea* (in a physical sense) were both important practices by the people I talked to in my research, they also appreciated the affordances (possibilities) of what the technology could offer them in the interim until *kanohi ki te kanohi* could resume. (pp. 6-7, 13)

The concept of **e-whanaungatanga or virtual whanaungatanga** is also discussed in the literature, whereby social media use was found to be a generally positive experience that enabled Māori to connect with whānau, particularly those living overseas (see O’Carroll, 2013e; Waitoa et al., 2015). E-whangaungatanga is defined as “online spaces of respectful, safe engagement which foster empowering relationships” (Waitoa et al., 2015, p. 54). Similarly, in writing about virtual whanaungatanga, O’Carroll (2013e) also reported that the Internet and social networking sites enabled family relationships to be formed, maintained and strengthened in virtual spaces, particularly through the use of video calling, “as the visual aid enhances the experience of whanaungatanga between people” (p. 237). O’Carroll (2013e) further argues that:

Clearly, SNSs are important tool for Māori to maintain relationships with family locally and globally and provide a sense of feeling of connection to family; you know what is going on, you are participating in their lives and them in yours and, thus, this translates to a feeling of whanaungatanga amongst whānau. (p. 236)

This small body of research demonstrates a “shift in meaning and practice” of the application

of **tikanga to virtual spaces** (O’Carroll, 2013e; O’Carroll, 2015). This shift in practice was also evident in early childhood education during the COVID-19 lockdowns in Aotearoa New Zealand. Thynne et al. (2022) report on how, in the absence of *kanohi ki te kanohi*, early childhood teachers fostered a sense of *whanaungatanga* with *tamaraki* and their *whānau* through the use of a range of digital technologies. While this was effective during the lockdowns, Thynne et al. (2022) acknowledged that it could not replace face-to-face contact. Similarly, Taiuru (2020) argues against the view that online learning during the pandemic is not right or *tika*, asserting that “tikanga can evolve”. He provides some guidance around tikanga considerations for ICT use in the home, including being aware of background images and *taonga*, the use of *karakia*, and not placing devices on tables where *kai* is eaten. Similarly, Taiuru (2019) discusses the tikanga of mobile phone use, arguing that digital devices especially those containing photos of people, both living and deceased, and held to the head, should be considered *tapu* and *taonga*.

There is also some evidence of **generational issues in the use of ICT**. O’Carroll (2013d) analysed how 54 *rangatahi* (aged 18-25) used social networking sites, who all found this mode of communication helpful in connecting to their families, with Skype being especially useful. However, they also described how parental surveillance intruded into their online lives and had a detrimental impact on their privacy and these online familial relationships. A Families Commission (2012) of study of Māori grandparents found that technology could also create a divide between generations (grandparents and their *mokopuna*), due to their lack of knowledge about its use. However, other grandparents who had acquired technological knowledge and skills, valued being able to keep in touch with *mokopuna* and other family members living at a distance – finding that “Skype ... can ease the distance between some grandparents and their *mokopuna*. Telephone calls also bring great joy” (p. 21).

### **Access and Affordability**

As noted above, a digital divide exists in New Zealand, with some groups having greater access to ICT than others. Lee (2021) noted that “social class and technology are critical resources in shaping transnational family intimacy” (p. 2171). Several studies have highlighted a lack of access to technology, ICT infrastructure, digital literacy, and financial resources acting as barriers to virtual contact (Abel et al., 2021; Copson et al., 2022; Horgan & Poehlmann-Tynan, 2020; Madianou, 2012; Shah et al., 2019).

Sometimes a lack of access could be due to broader infrastructure issues, such as in prisons or for military families, or a lack of reliable internet, particularly in rural areas or in other countries. In other cases, it could be due to an asymmetry in access to devices and technology between homes, often due to financial constraints.

## Research About Post-Separation Virtual Contact

While research about mediated communication in family members separated by distance, but not parental separation, does provide some helpful information, in the context of parental separation other complexities around the nature of parent-child contact exist that may not apply to these broader situations. These include: relocation disputes, safety concerns and family violence; parental conflict; parental gatekeeping and alienating behaviours which may obstruct, rather than facilitate, children's virtual contact with their other parent; and children's own post-separation vulnerability and estrangement from their contact parent. Research specifically about post-separation virtual contact is, therefore, vital.

While socio-legal commentary and case law analyses exist (see Bach-Van Horn, 2008; Doucet, 2011; Flango, 2003; Friedlander, 2002; Gottfried, 2002, 2003; Himel & Paulseth, 2022; Himel et al., 2016; LaMarca, 2012; LeVasseur, 2004; Schepard, 2002; Shefts, 2002; Smith, 2001; Welsh, 2008), very little empirical research has been undertaken on this topic, internationally or within Aotearoa New Zealand. However, there is a very small body of empirical research that reports on the practices, perspectives and experiences of family justice professionals and/or family members. Table 1 details these 15 studies.

**Table 1: Studies investigating post-separation virtual parent-child contact**

Author(s)	Country	Focus of study	Study instruments	Participants	Communication Modality Reported
Castelain-Meunier & Libbrecht (1997)	France	Telephone calls between fathers and children after separation	Surveys	166 non-resident fathers	Telephone
Bailey (2003)	USA	Challenges and strengths of non-residential parenting	Qualitative Interviews	36 non-resident parents who were geographically distant from children	Telephone Email
Fielden & Goldson (2005) Fielden (2007)	New Zealand	ICT enabled communication for children in separated families	Qualitative Interviews and surveys	Interviews with 3 families. (including children) Survey with 13 legal professionals, helping professions and government agencies	ICT-enabled communication (telephone, mobile phone, texting and emailing)
Yarosh (2008) Yarosh, Chew & Abowd (2009) Yarosh (2015)	USA	Understanding the challenges of divorce for families and the role of technology in maintaining contact	Qualitative Interviews	10 parents and 5 children	'Technology'
Taylor, Gollop & Henaghan (2010) Gollop & Taylor (2012)	New Zealand	Relocation after parental separation	Qualitative Interviews	114 parents (both resident and non-resident), 44 children	Telephone, mobile phone, email, texting, Skype, MSN messaging
Wolman & Pomerance (2012)	USA	User satisfaction with virtual telepresence technology	Questionnaire and interviews	30 parents (both resident and non-resident) and 40 children	Skype, FaceTime
Livesay (2012)	USA	How divorced fathers enact their identities with their children	Online survey Case studies – email and text transcripts	49 non-resident fathers	Texting, phone, email, social networking sites
Rodriquez (2014)	USA	How absence associated with the visitation process shapes non-resident parents' communication with their children	Qualitative Interviews	20 non-resident parents	Phone/Internet (emailing) or texting

<b>Author(s)</b>	<b>Country</b>	<b>Focus of study</b>	<b>Study instruments</b>	<b>Participants</b>	<b>Communication Modality Reported</b>
Kartch & Timmerman (2015)	USA	Strengths and limitations of new media technologies within the context of the non-resident parent-child relationship	Qualitative Interviews	40 non-resident parents	Telephone, mobile phones, Skype, social media (Facebook, Twitter), email, texting, video calling
Dworkin, McCann & McGuire (2016)	USA	Divorced parents' use of technology	Online survey	178 divorced parents	Texting, instant messaging, emailing, video-conferencing, audio-conferencing, email, social networking sites, sharing videos/photos, social media
Tarasuik & Kaufman (2017)	Australia	When and why parents involve children in video communication	Survey and interviews	180 parents (around 10% of whom were not in a 'nuclear family')	'Video chat'
Saini & Polak (2018)	Canada	Benefits and drawbacks of the use of ICT in post-separation parent-child contact	Online survey	103 legal and mental health professionals	'ICT'
Arch, Fabregas & Pereda (2019)	Spain	Use of ICT in relocation cases	Surveys	Judges and forensic psychologists	Telephone; skype; email; FaceTime, WhatsApp, and postal mail
Birnbaum (2019a, 2019b, 2020)	Canada	Virtual parenting after separation and divorce	Survey and interviews	166 mental health professionals and lawyers, 10 children, 7 parents	'Skype, Facetime etc.'
Fong (2020)	USA	The relationship between parent satisfaction with the parent-child relationship and virtual visitation	Mixed methods Correlational non-experimental Survey	156 non-resident parents who had participated in virtual visitation	Email, Skype, instant messaging, text messaging, e-chatting video-conferencing

## Family Justice Professionals' Practices, Perspectives and Experiences

Only a very small number of studies exist that report on the views and experiences of family justice professionals who work with separated families. Four studies have examined the practices and views of professionals involved in Family Court cases in Canada, Spain, and New Zealand (see Arch et al., 2019; Birnbaum, 2019a, 2019b, 2020; Fielden & Goldson, 2005; Fielden, 2007; Saini et al., 2011; Saini et al., 2013; Saini & Polak, 2012a, 2012b; Saini & Polak, 2018).

A review of Canadian case law revealed a pronounced increase in custody decisions involving virtual contact being sought, proposed or ordered between 2001 and 2011, with a particularly steep increase from 2008 (see Saini et al., 2011; Saini et al., 2013; Saini & Polak, 2012a, 2012b). The issue of virtual contact was more likely to arise in relocation cases or when parents lived (or were proposing to live) a considerable distance from each other. It appeared that virtual contact was increasingly being proposed by parents who wished to relocate to compensate for a lack of direct contact. However, in the majority of the cases reviewed, virtual contact was used to supplement, rather than replace, face-to-face contact. When parents lived close to each other or there was no impediment to direct contact, virtual contact was unlikely to be ordered. Judges sometimes mentioned or recommended virtual contact, while not going so far as to order it.

The most common forms of virtual contact were video calling (via webcams or Skype) and email. Whereas video calling was usually ordered as a superior alternative to telephone calls, email was most commonly ordered to supplement direct contact and phone calls. Other forms of virtual contact, such as text and instant messaging, and use of social media (e.g., Facebook) were not commonly mentioned in judgments, and were usually supplementary, and only when the children already used such technology.

While frequency of video calling was often specified in court orders, the frequency of email contact was usually unlimited. The review also revealed that the younger the child, the more likely video calling was to be ordered to occur daily or several times a week, whereas in cases involving adolescents judges were more inclined to leave the frequency of video calling up to the young person themselves.

The case law analysis revealed professionals' views on the benefits and drawbacks of virtual contact. Benefits included: its use in maintaining parent-child relationships after relocation; an improved quality of parent-child time; and the range of online activities that could be used for parents and children to use to maintain contact. The disadvantages of virtual contact centred around contact parents finding using online modes of communication to maintain relationship dissatisfying, particularly when it replaced direct contact; and the opportunity for interference by the other parent. The case law analysis also revealed the view that virtual contact should not be seen as a replacement for direct, face-to-face contact and that it needed to be monitored or supervised in cases involved high conflict between parents.

A survey of Spanish judges and forensic psychologists involved in child custody evaluations found that both groups of professionals were familiar with the use of ICT in relocation cases (Arch et al., 2019). All the judges and 88% of the psychologists recommended the use of virtual

contact in such cases, with the most commonly recommended communication modes being telephone and Skype, followed by WhatsApp and email. Judges also commented on the need to specify the time of virtual contact, which took into account children's own schedules, and consideration being given to the children's ages when choosing what forms of ICTs were used.

Another two studies, both in Canada, surveyed legal and mental health professionals about their views on the benefits, risks, and drawbacks of virtual contact after parental separation. Saini and Polak (2018) surveyed 103 professionals (43% were lawyers or judges and 57% were non-legal professionals who worked with families after parental separation/divorce) about the use of ICT in post-separation parent-child relationship. The majority of the professionals (94%) noted an increase in its use over the last five years. Most (93%) reported at least some of their clients using ICT to facilitate parent-child contact with 37% indicating that the majority of their clients used it. The majority (69%) of the professionals regarded the use of ICTs as a tool to enhance, not replace, direct parent-child contact and thought it was best suited for situations when there was already a positive parent-child relationship.

The professionals identified both benefits and drawbacks of ICT for facilitating parent-child contact. It was seen as useful when parents lived some distance from each other, particularly after relocation. The use of ICT was also seen as helpful in keeping parents informed about their children and their day-to-day lives while they are in the care of the other parent. The professionals also reported that ICT could protect children from inter-parental conflict and/or when there were safety concerns for children having direct face-to-face contact with a parent.

The drawbacks of ICT use the professionals identified centred around cost, availability, privacy and safety. They reported that ICT use can generate or escalate conflict between parents about the cost of technology, parental interference and obstruction. Safety concerns were also raised about virtual contact and ICT being used to monitor, track or manipulate the other parent and/or the child or being used as evidence in court proceedings. The professionals identified particular risks to children being exposed to and involved in inter-parental conflict, and noted that virtual contact requires both parents to cooperate, therefore cautioning its use in cases involving high conflict. Saini and Polak (2018) also noted that while risks to a child's physical safety from an abusive parent might be reduced by the use virtual contact, verbal abuse and emotional harm can still occur.

Nearly three-quarters (74%) of the professionals thought there was a need for protocols and guidelines about the use of ICT for parents in child custody disputes.

Birnbaum (2019a, 2019b, 2020) surveyed 166 family justice professionals – predominately lawyers (48%) and social workers (36%) – about ICT use in child custody and child welfare disputes, including specific questions about post-separation virtual parent-child contact. As with Saini and Polak (2018), the majority of the professionals reported an increase in the use of virtual contact over the previous five years and both benefits and challenges of virtual contact were identified by professionals. Similar to Saini and Polak (2018), while virtual contact was seen as a way of facilitating parent-child communication and maintaining relationships, risks such as exposing children to conflict, virtual contact being used against the other parent (particularly in litigation), and privacy and safety concerns were identified.



Birnbaum also surveyed family justice professionals about conflicts over the use of ‘Skype, Facetime, etc.’ that their adult and child clients reported. The most common conflicts that adults reported occurring ‘sometimes’ or ‘often’ were the other parent listening (93%), the child not being available at the designated time (91%), or the other parent alleging the child was busy at the designated time (84%). Just over a third (36%) indicated that their adult clients reported the other parent sometimes or often alleged that they did not know how to use or set up the technology. Other concerns reported to professionals by parents included the unreliability or cost of technology in rural areas, conflicts over who pays for the required technology; use of virtual contact to involve the child in inter-parental issues; and safety concerns about children using technology.

Nearly three-quarters (72%) of the professionals also indicated that their child clients ‘sometimes’ or ‘often’ reported that they were busy and didn’t want to talk to their parent or did not have a lot to say, which upset their parent. Children also reported problems with their other parent listening to their conversations (72%). Other issues raised by child clients included parents asking children questions about the other parent; parents arguing during virtual contact; the parent not being available when the child called; and inappropriate or abusive text messages being sent to children by their contact parent (see Birnbaum, 2020).

In Aotearoa New Zealand, Fielden and Goldson (2005) and Fielden (2007) surveyed 13 legal professionals, five helping professionals involved in the Family Court, and two government agency staff about ICT-enabled communication in the Family Court context. The survey included questions about both parent-to-parent and parent-to-child communication, but the reported results did not always distinguish between the two. While most of the legal professionals regarded themselves as experienced ICT users and could see benefits for the use of ICT for their practice, very few recommended the use of ICT-enabled communication for separated families, including formal recommendations for parent-child contact. The professionals cited fears such as virus threats, online safety and privacy concerns, a lack of knowledge and availability of ICT use, the cost, and attitudes towards ICT as barriers to its use. The perception of such barriers in addition to their own lack of ICT skills could influence professionals’ recommendations they made to separated families for technology-assisted communication for children. Fielden and Goldson (2005) identified the lack of a set of guidelines for ICT-enabled communication for all stakeholders (parents, children, and professionals).

## **Family Member’s Perspectives and Experiences**

Empirical research about virtual contact from the perspectives of family members is limited. Only a small number ( $n=13$ ) of studies report on family members’ experiences of using virtual or telephone contact after parental separation (see Table 1). For some studies this was the focus of the study, whereas for others, the findings reported on some aspect of virtual contact in the context of a wider study. As shown in Table 1, the research varies in what the focus of the research was, how virtual contact was defined and the communication modalities investigated, who participated in the research, and when it was conducted. Given the fast pace of technology, some issues reported in earlier research may no longer apply or be relevant. For example, in New Zealand research about relocation disputes conducted in 2007-2009, children complained about the slow speed and patchy nature of dial-up internet access,

which is now no longer in use (Gollop & Taylor, 2012; Gollop, Taylor & Henaghan, 2010). Earlier research focused only on telephone or email contact (Bailey, 2003; Castelain-Meunier & Libbrecht, 1997; Yarosh, 2008; Yarosh, Chew & Abowd, 2009) plus texting (Livesay, 2012; Rodriquez, 2014). More recent studies have investigated a range of ways that parents and children have maintained contact virtually, while others focused solely on one medium, usually video calling, such as via Skype and/or FaceTime (Birnbaum, 2019a, 2019b, 2020; Tarasuik & Kaufman, 2017; Wolman & Pomerance, 2012).

Because of the small number of studies and the diversity in technologies studied, when each study was conducted and who participated, nuance and detail will be lost in summarising. Therefore, what follows is a brief summary of the findings of each study (in chronological order), before broad common themes emerging from the literature are identified.

### **Castelain-Meunier & Libbrecht (1997)**

This study investigated telephone contact between non-resident fathers and their children. This was one of the first studies to examine children's indirect contact via electronic means. Fathers had mixed experiences. Telephone contact was a way for fathers to remind their children that they cared and thought about them and their well-being. Some enjoyed the contact, and it helped them keep up to date with their child's news and activities. However, some expressed frustration due to the lack of the child's physical presence and the superficial nature of telephone contact. They related how their children had not learnt 'telephone protocols' and the concept of reciprocity of conversations, and how the expression of emotion via telephone was difficult for children and an unnatural means for them to communicate. The fathers reported not being able to fulfil their parenting roles via telephone and felt they had to keep emotions in check and discuss 'trivial matters', which was difficult for them. The role of the other parent emerged as a critical factor in the success of the contact. When the inter-parental relationship was amicable, the contact was freer. However, other fathers experienced difficulties with their former partner obstructing or preventing their telephone contact. They did not feel the children could talk freely and experienced maternal interference. The authors summed up their findings:

The telephone is a source of pleasure for some and of frustration for others, for those who experience above all the displeasure inherent in a form of contact considered to be inadequate and indirect, and whose situation is one in which the telephone can become a 'subtle form of torture'. Their role is more 'virtual' than real. (p. 173)

### **Bailey (2003)**

The focus of this study was the challenges and strengths of non-residential parenting from a distance after parental separation. Due to the large distances between non-resident parents and their children, the primary way to maintain parent-child contact was by telephone. While email was becoming more popular for parents to communicate with their children, it was not commonly used. Some parents reported the cost of long-distance telephone calls as challenging. The authors advocated helping both children and their parents to learn to use email and the Internet which could allow daily contact.

### **Fielden and Goldson (2005) – see also Fielden (2007)**

This small-scale New Zealand study examined ICT-enabled communication for all stakeholders involved in parental separation and involved interviews and surveys with professionals (see above) and three families (both parents and children, although the numbers of each were not reported). Fielden and Goldson (2005) reported that it was the children who were the most knowledgeable and skilled with using ICT and could demonstrate autonomy with its use. The authors noted that the largest barrier to ICT use was a parental lack of knowledge about technology, and this differential was heightened when parents separated, with less shared 'family' knowledge, where children could assist both parents. In addition, after separation parents' disposal income was reduced and the cost of funding ICT was an additional barrier. Differences between parents over who should pay for the cost of ICT-facilitated communication were reported. All the children (all were aged 8 and over) were familiar with emailing but preferred communication with other family members via mobile phone. They too, reported difficulties with the cost of having enough money on their phones to maintain contact with their parent. So, while they appeared to be the ones most comfortable with using technology, children did not have the resources to fund its use.

### **Yarosh (2008), Yarosh (2015), Yarosh, Chew and Abowd (2009)**

This was a small-scale qualitative study conducting interviews with 10 parents and 5 children about their experiences of maintaining relationships after divorce, and included questions about the use of technology to support parent-child interactions. Communication challenges for parents included remaining aware of their children's everyday activities, which in turn impacted on their ability to 'seed conversations' with their children. Finding meaningful topics of conversation and maintaining children's attention were therefore difficult for the parents. Parents also reported challenges around initiating contact with their children while they were at the other parent's home, not wanting to intrude or interrupt the other household, but also wishing to maintain contact. They expressed a desire for a "more lightweight means of communication" to check in with their children to get round this issue. The children similarly also reported challenges for them being unable to share news and thoughts with their parent spontaneously, rather than at predetermined 'contact' times. Like their parents, they too wished to be able to check in with a non-co-located parent briefly, without engaging in long conversations. They also reported a lack of a private space to have conversations with their parent, and some expressed a desire for the ability to exchange private messages.

While not stated what 'technology' these families used, the finding that mobile phone use was not common and, given the date of publication (2008), technologies that could assist with more casual everyday contact (such as texting, social media, messaging) were likely not available to them. Telephone calls, while widely used, were not conducive to in-depth conversations, and were more effective for brief check-ins. Audio-only communication was reported as being frustrating and difficult for both parents and children, due to issues such as the lack of ability to see each other and experience touch. While video-conferencing was seen as a way of overcoming such challenges, it was not used frequently, due to difficulties with arranging and setting it up, and concerns about children's online safety. An asymmetry in access to technology infrastructure between the parents' homes was also a challenge, meaning "only the lowest common technological denominator can be used" (p. 198). Parents

reported that the other parent either did not have access to technology or the Internet or had different rules about children's access to and use of technology, sometimes because of concerns about online safety.

### **Taylor, Gollop and Henaghan (2010); Gollop and Taylor (2012)**

This New Zealand study investigated relocation after parental separation from the perspectives of 114 parents and 44 children. It reported on the use of virtual contact by the families who participated, including email, texting, MSN messaging, and video calling via Skype. While some parents and children spoke positively about such contact, generally, they expressed a preference for face-to-face visits or telephone contact, finding indirect contact to be superficial. As one young person said about the text contact she had with her father: "It's more light and fluffy. We don't really talk about anything, any actual problem. ... If you really talk to him, face to face it's better."

Use of video calling was low, however, webcams were not that commonly used when the data was collected in 2007/2008. While some parents reported great satisfaction with video calling, many of the children did not have access to a computer, webcam or the Internet. Those who did, found slow and patchy internet connections frustrating. The children also expressed dissatisfaction with the asynchronous nature of emailing and texting, and the unreliability of technology. Their communication with their parent could also be thwarted by the lack of a (working) mobile phone, broken or damaged devices, and the cost involved in international calling and texting. There was a sense of an imbalance between children and their parents in the technology available to them and the degree they could initiate and respond to contact.

For some parents technology could also be problematic if it was used as a weapon by their former partner to hinder contact by refusing to purchase, connect or allow children to use the technology. Surveillance, monitoring and control of virtual contact by the resident parent was reported. Texting was one way for parents and older children who had their own mobile phone to have contact independently of the other parent.

Gollop and Taylor (2012) recommended that virtual contact be supplementary to, not a replacement for, face-to-face direct contact. Furthermore, they advised that before ordering or agreeing to virtual contact, the availability of technology (both in terms of being able to access the necessary equipment and the ability to fund it) should be established and reality tested to determine the feasibility of its use.

### **Wolman and Pomerance (2012)**

This study ascertained the experiences of 30 parents (both resident and non-resident) and 40 children of what they termed virtual presence technology (VPT) via Skype and FaceTime. All the parents were positive about the use of Skype to maintain parent-child relationships after parental separation, finding the use of video more engaging with longer periods spent on video calls than audio-only telephone calls. The children too described positive experiences. Wolman and Pomerance also reported that VPT could be very helpful in cases when direct physical contact was prohibited because of safety concerns. No evidence of any parental obstructive gatekeeping was reported by the parents. However, concern was expressed about

the possibility of a parent gaining visual access to their former spouse's home during video-contact with children. Of note in this study was parents reporting the successful use of video calling with very young children.

### **Livesay (2012)**

This PhD thesis investigated how 49 divorced non-resident fathers enacted their identities with their children, responding to an online survey about the modes of communication they used to interact with their children. An analysis of parent-child email contact was also undertaken. The fathers tended to use the communication modalities associated with those favoured by those of the cohort of their children's age, rather than their own communication mode preferences, indicating the fathers adapted to and accommodated their children's preferred way of communicating. Furthermore, the more a father used a particular communication medium, the more favourably he rated it. The age of the child was correlated with the mode of communication, with texting and the use of social media more commonly used with teenagers. However, these modes were seen as relatively impersonal by the fathers, with email, texting and social media regarded by more than half as superficial. Communication via modalities that were rated as more superficial than in depth were all text-based. The fathers expressed a preference for face-to-face contact and held the view that technologically mediated communication could not substitute for face-to-face contact. The fathers in this study did not see their children face to face very frequently, and Livesay (2012) argues that this lack of physical contact was a barrier to fathers maintaining a sense of presence and connectiveness with their children, despite their use of multiple communication modalities.

### **Rodriguez (2014)**

This study explored how the absence of a parent due to the visitation arrangements influences communication between non-resident parents and their children. While not focusing directly on virtual contact, Rodriguez (2014) does report on the 20 non-resident parents' use of telephone and the Internet to communicate with their children. When contact was by phone, conversations were often brief and were simply to connect with their children rather than having any meaningful discussions. Only a few parents reported the use of email or texting, and this was usually only with teenagers.

Of relevance to virtual contact is the finding that non-resident parents found not having day-to-day information and updates about their children's lives (e.g., their friends, what's happening at school, etc.) made it difficult for them to talk to their children, which in turn made it harder to maintain their relationships. This was exacerbated by the children being reluctant to provide much detail themselves about their everyday lives over the telephone. Rodriguez (2014) discusses the communication boundary between households when children are not with their non-resident parent. She identifies three types of boundaries: permeable, where communication is free-flowing at any time; semi-permeable boundaries, where phone calls, texts, etc. occur between the non-resident parent and children between physical visits; and non-permeable, where there is no interaction between physical contact. Less rigid boundaries allow ongoing contact between visits enabling parents to remain updated about the more 'mundane' aspects of their children's lives and Rodriguez advocates that social

media and the use of technology could facilitate this process, calling for more research in this arena.

### **Kartch and Timmerman (2015)**

This research investigated non-resident parenting and the use of 'new media technologies' and reported on the uses and challenges of technology. The 40 non-resident parents all reported utilising a range of technology to maintain contact with their children such as telephone calls, text messages, emailing, video calling, photo sharing and social media (e.g., Facebook). They used such technologies for the following four main purposes: to maintain a daily presence in their child's life; to show them affection; to demonstrate support; and to facilitate the child's involvement in their household and their lives. The challenges of virtual contact that parents reported included: interference by the resident parent, by blocking or monitoring contact; the limitations of mediated contact; access issues; child unresponsiveness; and child age. Access issues included lack of access to technology or the Internet, but also instances where a lack of access to technology resulted from the resident parent restricting a child's access to communication technology as a form of discipline or punishment. Child unresponsiveness was also a challenge with parents reporting a lack of or a delayed response by their children to their attempts to communicate by text, email or phone calls. Finally, the parents reported difficulties with young children either not being able to use the technology or the contact was unsatisfactory because of their lack of attentiveness via this medium.

### **Dworkin, McCann and McGuire (2016)**

How 178 divorced parents used technology for parenting and to communicate with their co-parent and their children was examined as part of a larger study of parental technology use. They found that the divorced parents (mostly mothers) were active users of technology and very comfortable with its use. The parents reported concerns about viruses, spyware, and spam, but very few reported experiencing barriers to its use, such as cost or access to equipment. The most common ways parents communicated with their children was via text-based mediums – instant messaging (80%), texting (70%) and email (62%). Only half used video-conferencing to communicate with their children. However, this study is limited in its usefulness in considering virtual contact as the status of the participating parents (resident or non-resident) was not stated or investigated and the age of their children was 25 years or younger. Therefore, the use of technology to communicate with children was not necessarily in relation to non-resident parent-child contact.

### **Tarasuik and Kaufman (2017)**

Although the focus of this Australian study was on how and why parents involved their young children (aged 5 years and under) in video-communication, Tarasuik and Kaufman (2017) reported on a sub-sample of divorced parents. They found that video-communication was used to maintain parent-child contact after parental separation and some court orders included provision for such virtual contact. Both benefits and challenges of video contact were identified by the parents. While it facilitated communication between children and family members, such as a parent and step- or half-siblings, parents reported difficulties related to

the inter-parental relationship, including feelings of awkwardness and insecurity watching their child interact with their former partner. Conflict between parents over what “regular contact” via video communication specified in court orders meant in terms of frequency was also reported.

### **Birnbaum (2019a, 2019b, 2020)**

As detailed above, Birnbaum surveyed professionals about adult and child conflicts that arose with the use of Skype and FaceTime. As part of her research Birnbaum also interviewed 10 children and 7 parents who used these modes of communication for parent-child contact. Benefits and challenges with virtual contact were reported by both parents and children. The parents reported that virtual contact enabled the maintenance of parent-child relationships and facilitated contact. Some also reported that it could reduce conflict between parents as it did not require the parents to be in contact with each other. However, the parents also raised concerns about online safety, privacy and confidentiality and the other parent interfering in their contact. The children reported that while virtual contact allowed them to feel close to their non-resident parent, they also longed for the physical presence of their parent. They too reported challenges relating to their resident parent interfering in and listening to their contact with their other parent. The children also reported issues around their unavailability for contact, which upset their non-resident parent.

### **Fong (2020)**

This PhD focused on the link between non-resident parents’ satisfaction with their relationship with their children and their use of virtual visitation. The participants used a range of modalities to have contact virtually with their children, and on average, the parents were slightly satisfied with virtual visitation. However, Fong (2020) found that the age of child, the modality of communication, and the use of virtual visitation itself did not impact on or enhance parental satisfaction with their relationship with their child. Virtual visitation frequency was surprisingly negatively correlated with parental satisfaction, which Fong suggests could be due to virtual visitation not providing the type of contact and interaction with their children which parents yearned for. Therefore, the frequency of virtual visitation may be less important to parental satisfaction than other variables. And, as Fong notes, for the participants, frequent virtual contact may have been due to parental attempts to improve a poor relationship, and, therefore, the quality of the parent-child interaction may have been poor and less satisfying. This has important implications for the use of virtual contact to attempt to improve parent-child relationships.

### **Common Themes**

Due to the small number of empirical studies and differences in methods, technologies and timing of the research, drawing conclusions is difficult. However, some common themes have emerged, which are discussed below. Several literature reviews have also recently been undertaken, that conflate research about virtual contact in two contexts – post-separation virtual parent-child contact and birth parent-child contact in foster care (see Baude et al., 2023; Iyer et al., 2020a, 2020b; Research Centre for Children and Families, 2020). The findings of these reviews are also included below.

### ***Use of virtual contact to supplement direct contact***

While generally positive about virtual contact, family members indicated that their **preference was for face-to-face contact** (Birnbaum, 2019a, 2019b, 2020; Gollop & Taylor, 2012; Livesay, 2010; Taylor et al., 2010). Whether virtual contact is used as an adjunct to, or a replacement for, in-person direct contact has been addressed by several authors (see Baude et al., 2023; Gollop & Taylor, 2012; Iyer et al., 2020a, 2020b; Saini & Polak, 2018; Saini et al., 2013; Wolman & Pomerance, 2012). The majority (69%) of the professionals in Saini and Polak's (2018) study regarded virtual contact as an enhancement tool, rather than a means to replace face-to-face parent-child contact. While there was acknowledgement that in some cases the geographical distance might necessitate contact being predominately virtual, the availability of technology was not thought to be a reason to allow relocations to proceed. In the context of the COVID-19 pandemic, the use of virtual contact alone may also be used as a contingency rather than as a long-term measure (Iyer et al., 2020).

Children and young people and their parents also reported that virtual contact could not replace being able to see and be physically present with each other (Birnbaum, 2019b, 2020; Gollop & Taylor, 2012; Livesay, 2012; Taylor et al., 2010; Wolman & Pomerance, 2012).

*While it is great to see my dad, I want to feel him near me as well. (12-year-old, Birnbaum, 2019b, 2020)*

*It's not the same as talking to him in person. (15-year-old, Taylor et al., 2010)*

The consensus in the literature is that virtual contact should be used to compliment or supplement, not replace, direct face contact. And as noted by Saini et al. (2013), in all the research to date, parents and children were having both direct and virtual contact, and, therefore, no research evidence exists to support the use of virtual contact alone.

### ***Benefits of virtual contact***

All the studies reviewed reported some benefits of virtual contact and support for its use to maintain regular parent-child contact from the perspectives of professionals and/or family members. Virtual contact was seen as being **able facilitate relationships and allow parents and children to maintain connections** and contact when separated physically. It was also seen as helpful in situations when a parent may be limited in their ability to have more frequent direct contact due to work, travel or other constraints (Research Centre for Children and Families, 2020). When face-to-face contact is not frequent or possible, virtual contact can allow parents to **continue to play a role in their children's everyday lives and demonstrate their love and care for them** (Castelain-Meunier & Libbrecht, 1997; Kartch & Timmerman, 2015; Research Centre for Children and Families, 2020). Virtual contact can allow parents and children to feel closer to each other and enable more informal day-to-day contact which aids in relationship maintenance (Iyer et al., 2020; Saini & Polak, 2018; Wolman & Pomerance, 2012). The use of video calling can also serve as a medium to engage with children in their **everyday activities**, such as helping with homework, playing games and being involved in events (Iyer et al., 2020; Saini et al., 2013; Wolman & Pomerance, 2012). "Sharing such moments face-to-face and in real time helps develop more intimate, deeper, and engaging



parent-child interactions” (Baude et al., 2023, p. 13). Wolman and Pomerance (2012) concluded that:

There is, to be sure, is [sic] nothing like the real thing. That being said, given the fast rise of virtual communication, the concept of the totally ‘absent parent’ may be fading more rapidly than anyone might have thought possible even five years ago. We found that parents often embrace the VPT [virtual presence technology] form of communication with their children when they are separated because of the enhanced quality of interaction and for the opportunity to be more embedded in the context of their children’s lives. Giving up (at least) half of the time a parent would have been spending with his or her child as a result of divorce is painful enough. The pain appears to be mitigated, though, by the use of modern technology that keeps parents close to their children and enables children to feel the presence of their parents in a more active and alive fashion. (p. 8)

In situations where safety is a concern, virtual contact was also seen as a way of **reducing risks to children of having physical contact and protect them from interparental conflict** (Birnbaum, 2019a, 2019b, 2020; Saini & Polak, 2018; Wolman & Pomerance, 2012). However, as noted by Saini and Polak (2018), while physical risks can be eliminated, the risk of verbal abuse and emotional harm may still exist, and virtual contact may also be a source of interparental conflict for some families.

### ***Challenges of virtual contact***

Although parents, children and professionals all reported opportunities afforded by virtual means of communication, all the studies had mixed findings, also detailing the challenges, risks and barriers the participants experienced or identified.

The limitations of mediated communication were reported, including the **superficiality of interactions/conversations** (Castelain-Meunier & Libbrecht, 1997; Gollop & Taylor, 2012; Kartch & Timmerman, 2015; Livesay, 2012; Rodriguez, 2014; Taylor et al., 2010), and the lack of touch or physical presence (Birnbaum, 2019a, 2019b, 2020; Yarosh, 2008, 2015, Yarosh et al., 2009).

A **sense of frustration** and **dissatisfaction with virtual contact** was a common theme due to its limitations (Castelain-Meunier & Libbrecht, 1997; Fong, 2020; Gollop & Taylor, 2015; Kartch & Timmerman, 2015; Taylor et al., 2010; Yarosh et al., 2008, 2015; Yarosh et al., 2009). Both parents and children expressed frustration or dissatisfaction with the virtual nature of the contact itself (particularly when it was audio only) and with using the technology. Engaging virtually with a young child could also be frustrating for parents. Young children’s short attention spans and lack of focus and conversation skills could mean contact was brief, superficial and unsatisfactory (Castelain-Meunier & Libbrecht, 1997; Kartch & Timmerman, 2015; Yarosh et al., 2008, 2015; Yarosh et al., 2009). Parents not having knowledge about their children’s everyday activities which could act as ‘seeds’ for conversations also made virtual communication challenging (Rodriguez, 2014; Yarosh, 2008, 2015, Yarosh et al., 2009). Parents also expressed frustration relating to children’s unavailability, reluctance, unresponsiveness (Kartch & Timmerman, 2015; Rodriguez, 2014). Sometimes children did not

want to stop what they were doing and engage with their parent or simply forgot (Birnbaum, 2020; Castelain-Meunier & Libbrecht, 1997; Yarosh et al., 2009) and some children spoke of their parent being upset if they were unavailable (Birnbaum, 2019a, 2019b, 2020). Children were also frustrated by the asynchronous nature of virtual contact, unreliable or slow technology and being unable to instigate virtual contact themselves (Gollop & Taylor, 2012; Taylor et al., 2010; Yarosh, 2008, 2015, Yarosh et al., 2009).

The **other parent obstructing or interfering with virtual contact** was another challenge reported in several studies (Birnbaum, 2019a, 2019b, 2020; Castelain-Meunier & Libbrecht, 1997; Kartch & Timmerman, 2015; Taylor et al., 2012; Saini & Polak, 2018; Wolman & Pomerance, 2012). There were reports of parents listening in on or monitoring conversations, not having the child available at scheduled times or saying they were busy, and restricting or not facilitating children's access to the necessary technology.

While some studies found virtual contact could protect children from inter-parental conflict, it could also **create or exacerbate conflict** between parents. Parental interference and obstruction, disputes over the cost of technology and who should pay for it, and ICT being used maliciously against the other parent were all sources of conflict (Birnbaum, 2019a, 2019b, 2020; Fielden & Goldson, 2005; Saini & Polak, 2018; Taylor et al., 2010). Children could be caught in the middle and involved in their parents' conflict when parents listened in on conversations, did not like the child contacting their other parent, or argued during contact (Birnbaum, 2020; Taylor et al., 2010). And, if the contact was not supervised or moderated, children could be the recipients of abusive messages or exposed to parental conflict (Birnbaum, 2020; Saini & Polak, 2018). Therefore, recommendations were made that virtual contact may not be appropriate in cases involving high parental conflict and/or family violence (Birnbaum, 2020; Research Centre for Children and Families, 2020; Saini & Polak, 2019).

In addition to children being exposed to parental conflict, issues around **safety and privacy** were identified by parents, children and professionals. There were concerns virtual contact could be used to gain virtual access to the other parent's home (Birnbaum, 2020; Wolman & Pomerance, 2012), to manipulate or track the other parent and/or child (Saini & Polak, 2018), or used as evidence in litigation (Birnbaum, 2020; Saini & Polak, 2018).

Concerns about general online privacy and safety were also expressed by parents and professionals, such as online risks for children, and the threat of viruses, spyware and spam and privacy breaches (Birnbaum, 2020; Dworkin et al., 2016, Fielden & Goldson, 2007; Yarosh et al., 2008, 2015; Yarosh et al., 2009).

**Lack of access** to the necessary technology, devices or the Internet was identified as a barrier to the use of virtual contact. This could be because of the **cost** of hardware/devices (e.g., computers, smart phones) or internet charges, or a lack of or unreliable infrastructure, particularly in rural areas (Bailey, 2003; Birnbaum, 2020; Fielden & Goldson, 2005; Gollop & Taylor, 2012; Kartch & Timmerman, 2015; Research Centre for Children and Families, 2020; Saini & Polak, 2018). However, sometimes a lack of access could be used as a means to obstruct contact, such as when children were prevented by the other parent from using digital

devices (sometimes a form of discipline) (Birnbaum, 2020; Kartch & Timmerman, 2015) or excuses were made, such as “My Internet connection isn’t working” (Baude et al., 2023).

Unless they have their own phones children can be reliant on parents to provide and fund the necessary access to devices and technology to have contact. Several studies reported an imbalance in the technology available in the two households, which could limit the type of virtual contact possible. It also made it difficult for children to initiate contact with their parent, particularly spontaneously and in real time (Gollop & Taylor, 2012; Taylor et al., 2010; Yarosh et al., 2009).

Finally, recommendations were made for guidelines or protocols about the use of post-separation virtual contact for families and professionals (Baude et al., 2023; Fielden & Goldson, 2005, Saini & Polak, 2018). Calls were also made for more research ascertaining the experiences and perspectives of separated parents and, in particular, their children, including those with disabilities, and family justice professionals (Baude et al., 2023; Birnbaum, 2020; Iyer et al., 2020a, 2020b; Research Centre for Children and Families, 2020; Saini & Polak, 2018; Saini et al., 2011; Saini et al., 2013). In addition to research investigating children’s perspectives and needs, Iyer et al. (2020a) also recommended research to aid in understanding age-appropriate forms of digital contact and how to manage digital contact in the context of socio-economic inequalities.

### **Implications and Recommendations for Practice**

Based on their own and other’s research, several authors have made recommendations or suggestions for family justice professionals and/or families about **factors to take into consideration** when recommending or considering virtual contact and determining whether it would be feasible or appropriate. These considerations include the following:

- The age, stage and maturity of the child.
- The developmental and other needs of child.
- Children and young people’s views – tailoring the type and mode of contact to their age and preferences (e.g., video and phone calls may be difficult for very young children; older young people may prefer text-based and social media contact).
- The quality of parent-child relationship.
- The quality of the inter-parent relationship and the level of inter-parental conflict.
- Family violence concerns.
- Safety risks.
- The degree of adult assistance required to facilitate virtual contact.
- The degree of monitoring and supervision required.
- The availability of technology and the Internet in each home.
- Financial considerations and the cost of the necessary technology.
- The distance between the parents’ homes.

(see Baude et al., 2023; Birnbaum 2019b, 2020; Gollop & Taylor, 2012; Iyer et a., 2020a, 2020b; Research Centre for Children and Families, 2020; Saini & Polak, 2012a, 2012b, 2018; Saini et al., 2013; Taylor et al., 2010).

Several authors note the importance of professionals **managing parent and child expectations and setting boundaries** around the use of virtual contact (Birnbaum, 2019a;

Research Centre for Children and Families, 2020; Saini & Polak, 2012b, 2018; Saini et al., 2013). This could include professionals having a discussion with or educating their clients about the potential safety risks of ICT and any unintended consequences of online risks (Saini & Polak, 2018), and reality testing proposed virtual contact arrangement to determine their feasibility and practicality (Birnbaum, 2020; Gollop & Taylor, 2012; Taylor et al., 2012).

Specifying these expectations in parenting orders/plans to ensure they are clear for parents and children and to help minimise any potential conflicts was also advocated by Saini and colleagues (Saini & Polak, 2012b, 2018; Saini et al., 2013), particularly in cases of high parental conflict. They suggested the following details be considered and specified in parenting plans:

- Financial considerations: Who is responsible for purchasing and updating the necessary technology.
- Scheduling considerations: A schedule specifying dates, times and length of virtual contact, ensuring children's routines and schedules (e.g., extracurricular activities, work, school commitments, etc.) are not disrupted.
- The types of activities allowed (or not) during virtual contact.
- The types of technologies and modes of communication to be used (or not) (e.g., texting, video calling, Skype, FaceTime).
- The location of contact and the required technology/devices (e.g., located in the child's bedroom or somewhere more public in the home).
- Who will be present during virtual contact and what their roles/responsibilities will be.
- The degree of supervision and monitoring (if necessary), including the monitoring of young children's ICT use to ensure their safety.
- Privacy measures – agreement that there will be no interference or monitoring by the other parent and that information transmitted between the non-resident parent and child remains private.
- Expectations for parental behaviour to minimise disruptive or negative behaviour – including clear stipulations about not interfering in contact or using the children as conduits for information; and expectations to prevent parental disengagement or lack of participation.
- Accountability for non-compliance and agreement about enforcement measures.
- An alternative means of online contact should the primary method(s) be unavailable.

In addition, Birnbaum (2019a) also suggested ascertaining the children's views before orders or plans were made and that such plans include a follow-up process to determine how virtual contact is working for the children.

## Key Findings – Literature Review

### Opportunities and Benefits of Virtual Contact

- Facilitating and maintaining parent-child contact and fostering connections, but:
  - As supplement to, not a replacement for, face-to-face contact;
  - It is insufficient to create relationships or bonds;
  - It is best used when a positive parent-child relationship exists.
- Allows remote parenting, not just contact – however, some children may interpret this as surveillance and intrusive.
- Provides a sense of ambient co-presence.
- Enables parents (and others) to be a part of children’s everyday lives and activities, through ‘virtual accompaniment’ or having ‘open connections’.
- Reduces safety risks of physical contact and exposure to interparental conflict.

### Challenges and Risks of Virtual Contact

- Superficial nature of mediated contact – can be a source of frustration and face-to-face contact is preferable.
- Asymmetry between child and parent preferences regarding:
  - Synchronicity and modes of communication – preference of young people is for asynchronous text-based contact is at odds with a parental desire for synchronous video-based contact.
    - Asynchronous modes of communication are more phatic in nature and less suitable for younger children or those who do not have their own mobile phone/device.
    - Synchronous modes of communication provide more emotional immediacy, but provide young people with less control over their online identity.
  - Parental access to young people’s social media can be interpreted as surveillance, create conflict, and result in young people setting boundaries and limiting access.
  - Digital skills and knowledge – children can be more technologically savvy than adults, but parental lack of knowledge can act as a barrier to virtual contact or limit the use of modes of communication favoured by children and young people.
  - Reciprocity and instigation of contact – parents can desire more frequent contact than children and/or children may be reluctant to engage because they are doing something else. Children have less agency to initiate contact with a parent, particularly if they do not have their own mobile phone.
- Children’s young age:
  - Young children (particularly aged under 5 years) struggle with audio only telephone calls, because of their verbal communication levels and lack of telephony skills.
  - Video communication is preferable to audio only, but very young children may still find video calls difficult. They may struggle to engage, remain focused and stay within the range of the camera, and can become distracted > interactive activities (e.g., games, storytelling, playing music) rather than more passive verbal conversations are recommended and may help keep young children engaged.

## Key Findings – Literature Review Continued

- Need for adult facilitation or scaffolding:
  - Children rely on adults to provide the necessary technology and set up virtual contact.
  - Successful video calling with very young children requires an adult to scaffold and facilitate the interaction with across-screen parties and keep the child engaged and focused. The remote parties also need to be sensitive and engaging > this process is effortful, performative and can be demanding for all parties.
  - Keeping an absent parent informed about the child’s life can also facilitate virtual contact, by providing conversation topics.
  - A collated parent can facilitate virtual contact by promoting a positive image of the absent parent to the child.
  - However, in the context of parental separation, the resident parent may not be motivated and/or willing to facilitate contact, and in situations involving family violence, such facilitation may be unsafe.
- Parental interference or obstruction in the context of parental separation:
  - Parental monitoring or listening.
  - Restricting children’s access to technology.
- Safety and privacy concerns:
  - Online safety risks to children – cyberbullying and exposure to inappropriate content and interactions.
  - Parental concerns about risks such as scams, viruses and privacy breaches.
  - Virtual contact can be used as a tool for technology-facilitated coercive control and abuse and to gain virtual access to the other parents’ home. Parents can manipulate, control and abuse children and the other parent via technology.
  - Virtual contact can create or exacerbate parental conflict.
  - Children can be exposed to and involved in inter-parental conflict.
- Access and affordability:
  - Lack of access to technology, devices/hardware, and infrastructure (particularly in rural areas).
  - Cost of devices, Internet and/or mobile phone charges.

### Cultural Considerations

- A digital divide exists in Aotearoa New Zealand – Māori and Pacific Peoples have lower rates of internet access.
- However, Māori and Pasifika have higher than average mobile phone use.
- While kanoi ki te kanoahi (face to face) is important for Māori, a shift in practice incorporating tikanaga into virtual arenas has been reported, with whānau maintaining connections via social media and video calling, and enabling a sense of virtual- or e-whanaungatanga.

# CASE LAW ANALYSIS

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## Introduction

An analysis of recent published and available New Zealand Family Court or higher court decisions in the last seven years relating to day-to-day care and contact proceedings (including relocation) under the Care of Children Act 2004 was undertaken.

Written judgments were accessed from legal databases including Westlaw NZ, New Zealand Legal Information Institute (NZLII), and Lexis Advance [NZ], and the [District Court of New Zealand's website](#).

An initial search via Westlaw NZ was undertaken using the search term “Care of Children” for each year in the period 2017–2023 inclusive. Searches using the following key words were then conducted within these results:

- Virtual;
- Skype;
- Zoom;
- Phone;
- Online;
- Facebook;
- Video;
- Indirect contact;
- Audio-visual contact;
- WhatsApp;
- Internet;
- Electronic;
- Digital.

Next, the same search was conducted via Lexis Advance, NZLII and the District Court website and any additional cases identified. The resulting judgments were then reviewed as to their relevance for inclusion using the following criteria:

- Cases heard under the Care of Children Act 2004;<sup>4</sup>
- Relating to post-separation care and contact arrangements;
- Between 2017 and 2023.
- Mentioned any form of virtual contact – either in the judicial orders made or the judgment included comments made by either the parties, professionals (such as Lawyer for the Child, specialist report writers, or judges), children and young people, or in affidavits or evidence presented to the court. So, in addition to judicial orders being made which included provisions for virtual contact, perspectives on and/or issues relating to it were also of interest.

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<sup>4</sup> A small number of cases ( $n=3$ ) were heard under both the Care of Children Act 2004 and the Oranga Tamariki Act 1989 and were included. However, cases heard only under the latter statute were excluded.

Sometimes keywords were included in judgments that did not relate to care and contact arrangements, or the case was in relation to guardianship, procedural or other issues. In other instances, virtual contact was mentioned, but merely stated current care and contact arrangements or what had been ordered in previous decisions. All such judgments and any duplicates were excluded.

This process resulted in 70 (53 Family Court and 17 High Court) judgments<sup>5</sup> (see Table 2) written by 45 judges, which were read, and relevant information pertaining to virtual contact extracted and coded.

**Table 2: Relevant Family Court and High Court judgments included in analysis**

Year	Family Court	High Court	Total
2017	5	2	7
2018	1	4	5
2019	9	1	10
2020	15	2	17
2021	13	4	17
2022	6	2	8
2023	4	2	6
<b>TOTAL</b>	<b>53</b>	<b>17</b>	<b>70</b>

As can be seen in Table 2, the number of judgments mentioning virtual contact each year was not large. However, the availability of written judgments is limited to those made publicly available and should not be taken as an indication of the number of cases involving virtual contact in each year. The number of judgments was noticeably higher during 2020 and 2021 when the COVID-19 pandemic lockdowns were in place, making the use of virtual contact perhaps more common and topical.

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<sup>5</sup> Please note: The availability of written judgments is limited to only those anonymised and published or accessible through legal online databases and from the District Court of New Zealand’s website, which may not reflect or be representative of all COCA-related judgments. Therefore, an analysis of trends in judicial practice over time, the frequency of virtual contact matters before the courts, or a full analysis of judicial decision-making in relation to virtual contact is not possible. However, the cases reviewed do provide a snapshot of judicial decisions and add to the picture of how separated families in Aotearoa New Zealand are using virtual contact and any issues or barriers they experience, as well as judicial and other professionals’ perspectives on its use.



## Matters Before the Court Pertinent to Virtual Contact

The matter that was before the court where virtual contact was relevant was coded to gain an understanding of which situations involved virtual contact (see Table 3). Sometimes multiple matters were before the court, but only the matter(s) relating to mentions of virtual contact were those coded. Table 3 presents the number and percentage of the matters relevant to virtual contact contained in the judgments reviewed. Please note, as multiple issues could be before the Court, percentages do not add up to 100%.

Generally, the two main virtual contact matters in the 70 judgments related to (i) geographical distance between the parties; and (ii) care and contact arrangements. Cases involving relocation disputes, guardianship issues pertaining to where children should reside and/or whether they could travel overseas, orders preventing removal, wrongful removal or retention of children from their place of residence and return proceedings under the 1980 Hague Convention on the Civil Aspects of International Child Abduction were all coded as matters relating to geographical distance. Care and contact cases involved decisions about children’s day-to-day care and contact arrangements. The two categories were not always discrete – for instance, care and contact arrangements may have needed to be made for children whose parents (or other family members who had made an application) lived in different locations, but there was no relocation dispute. In other judgments, multiple and cross applications related to both care and contact and geographical distance matters to be considered. These overlaps are noted in Table 3.

**Table 3: Matters to be decided**

Matter Relating to Virtual Contact	%
Geographical distance ( <i>n</i> =58)	83%
Relocation ( <i>n</i> =30)	43%
Care and contact ( <i>n</i> =27)	39%
Hague Convention/wrongful removal/retention ( <i>n</i> =5)	7%
Overseas travel/discharge of non-removal order to allow travel ( <i>n</i> =4)	6%
Care and contact ( <i>n</i> =39)	56%
Care and contact only ( <i>n</i> =12)	17%
Care and contact and geographical distance ( <i>n</i> =27)	39%

As shown in Table 3, by far, the majority (83%) of the judgments reviewed related in some way to a matter involving geographical distance between the parties and/or children’s parents/guardians, most often a relocation application or dispute (43%). Care and contact arrangements were matters before the Court in over half (56%) of the judgments, but most of these (69%) also had an element of geographical distance (representing 39% of all the judgments). Only small numbers of the judgments related to children being removed or retained in an overseas country (7%) or temporary overseas travel (6%).

## Types of Virtual Contact

As virtual contact can be achieved through different means and modes of communication what types of virtual contact were mentioned in the judgments were also coded (see Table 4). As multiple modes were often mentioned, percentages will not add to 100%.

**Table 4: Modes of communication mentioned in judgments**

Virtual contact mode	%
Audio-visual/video contact (n=59)	84%
Skype (n=24)	34%
FaceTime (n=14)	20%
(Facebook) Messenger (n=3)	4%
WhatsApp (n=2)	3%
Zoom (n=2)	3%
Electronic/digital (n=9)	13%
Social media (n=6)	9%
Text (n=4)	6%
Email (n=3)	4%
Online/Internet (n=3)	4%
Virtual/indirect contact (n=3)	4%
Other (n=2)	3%

Some form of audio-visual or video contact was the most frequently mentioned mode of virtual communication, referred to in 84% of judgments. While the platform to achieve this was not always specified, the most commonly mentioned were Skype (34%) or FaceTime (20%). Given that the popularity of Zoom increased during the COVID-19 pandemic, it is perhaps surprising that only 3% of judgments mentioned this video-conferencing platform. However, around half the judgments pre-dated the pandemic and Skype (released in 2003) was perhaps then more commonly in use than Zoom, which was released in 2013. FaceTime and Facebook Messenger were also mentioned in just over one in five (21%) of the judgments.

Just under one in ten (9%) judgments mentioned social media, although none explicitly stated a platform. Text and email were even less frequently mentioned, with only 3–4 judgments referencing these communication modes. Other modes of communication included the use of a Smartwatch, and the exchange of videos or photographs (although the platform to achieve this was not specified).

It was quite common for a mode of communication to be mentioned in a non-specific way, just over one in four (43%) of the judgments referred generally to ‘indirect’ contact, ‘video calls’, and ‘video’, ‘electronic’, ‘digital’, or ‘online’ contact, etc., without reference to a specific platform or application. Only one judgment (*Evans v Roberts*, 2020) explicitly used the term “virtual contact”, at [29].

## Orders for Virtual Contact

Judicial decisions and orders relating to virtual contact were detailed in 43 of the 70 judgments (61%). Of these, three judges made recommendations, or noted existing orders, for virtual contact, but did not include any specific provisions for it in their orders. For instance, in *Re Price* (2021) Justice Campbell noted that:

At the hearing I was told there is relatively frequent telephone, video and online contact between [child]<sup>6</sup> and his father. I considered making orders that contact continue. [Counsel for the mother] was open to that. On reflection, my sense is such orders might be counterproductive. at [82]

And in *Westcott v Westcott* (2021) Judge Russell recommended that:

At the very least there should be some FaceTime contact or webcam communications which can and should be put in place for the non-caregiving parent to communicate with [child]. at [40]

Another two judges explicitly limited or ordered no indirect (or direct) contact of any type in their judgments. With these exceptions, just over half (54%), that is, 38 of the 70 judgments reviewed made care and contact orders that included virtual contact. Only three of these were orders made by consent. All percentages reported below are as a proportion of these 38 judgments, unless otherwise specified.

In the majority (82%,  $n=31$ ) of these judgments orders for virtual contact were made in conjunction with orders for direct, face-to-face contact. Only seven judgments contained orders for contact to only be virtual. In five of these judgments such measures were only temporary due to time-limited overseas travel or due to concerns about COVID-19. The remaining two cases related to a parent who resided overseas where there were safety concerns and the other related to re-establishing contact with estranged grandparents.

### Circumstances of the Case

To understand if court orders for virtual contact were made in particular circumstances the matters before the court and the resulting outcome were analysed. The most common situation detailed in the 38 judgments related to geographic distance between children and parents/caregivers/parties. This was the case for over three-quarters (79%,  $n=30$ ) of the judgments, with 42% ( $n=16$ ) involving transnational distances. In many cases ( $n=20$ ), the distance was pre-existing, but in 10 cases the decision resulted in the geographic distance, due to relocations of either parents and/or children or overseas travel being allowed. Three of the judgments related to applications for temporary overseas travel, all of which were allowed.

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<sup>6</sup> For ease of reading, pseudonyms in quotes from judgments have been replaced with generic labels such as [child], [mother], etc.

The remaining eight cases, where there was no geographic distance between parties and children, related to relocation applications which were denied ( $n=2$ ) or day-to-day care and contact matters ( $n=6$ ). Of the latter cases, four involved allegations of violence, high parental conflict, or safety issues, but in only one judgment (*XL v RH*, 2020) did the order direct that the virtual contact be supervised.

Matters involving estrangement between children and parent or other family members were also a feature of five judgments that contained orders for virtual contact. In *Watkins v Watkins* (2020) Judge Muir at [65], while ordering that the mother could have phone contact every second day while the child was in her father's care for a block of time to re-establish contact, directed that she "should not seek to engage in extensive phone, text or other social media contact with [child] during this time". In another two cases (*Lake v Newton* 2023; *Watson v Bucker*, 2022), telephone and virtual contact (such as texting and email) were used or proposed as ways of gradually re-establishing contact between children and their grandparents after a period of no contact, but this was to be largely at the initiative of the children.

Interestingly, given the dates of the case law analysis included the COVID-19 pandemic lockdowns, only two cases (*Cann v Farley*, 2020a, *Cann v Farley*, 2020b; *Davidson v Barnes*, 2020) related to a dispute about indirect contact during New Zealand's lockdown periods. (However, several others related to overseas travel during the pandemic). In *Cann v Farley* direct contact between the mother and child was initially suspended due to concerns about the risk of COVID-19 to the caregiver's family. However, this was discharged with an interim order for the child to remain with the mother during New Zealand's level 4 lockdown with virtual contact with her caregiver and their family. In *Davidson v Barnes* (2020) the children were withheld from their father's care due to the lockdown, with the mother's lawyer reporting that she had been advised to facilitate contact by social media.

In another judgment, *Rice v Cartwright* (2021), Judge Harrison made orders that: "If during periods of contact COVID-19 restrictions apply, then subject to the Ministry of Health guidelines, the parties agree to the following: (a) In Level 4, [child] will return to her primary residence as soon as possible. Contact by indirect means will occur as often as possible with her mother", at [110]. While this indirect contact was not specified, "video-calling" was also included in the parenting order.

## **Who Was Included in Orders for Virtual Contact**

Provisions for virtual contact were not always made in relation to children having contact with a contact parent. In fact, nearly half (47%,  $n=18$ ) of the 38 judgments included provisions for individuals other than the 'contact parent' to have virtual contact. Most commonly, this was for both parents to have contact with their child while in the care of the other parent (12 judgments) or for the day-to-day carer to have virtual contact with their children while they were overseas having contact with their father (one judgment). However, seven judgments made orders including virtual contact for whānau and extended family (such as grandparents, an aunt and uncle, mātua whāngai, caregivers and a father's partner).

## Mode of Communication Included in Orders for Virtual Contact

Audio-visual/video modes of communication were by far the most frequently ordered form of virtual contact in 92% of the judgments ( $n=35$ ). It was more common for judgments to order ‘telephone and/or audio visual contact’ ( $n=22$ ), with 13 judgments specifying only video (not phone contact). While phone and video contact were frequently mentioned together, several judges commented that the audio-visual contact was preferable. Judge Black in *Meadows v Newman* (2017) at [47(i)] stated that: “Phone may be substituted if Skype is unavailable, but my expectation is that Skype should be the rule.” In *Nikau v Nikau* (2018), Justice Woolford ordered the child should have “three phone calls to her aunt and uncle per week, preferably by Skype or other visual means”, at [67(c)]. Judge Muir in *Mackie vs Nichols* (2021), similarly ordered contact by “video link ... or at least by telephone if video contact is not practicable”, at [74]. Audio-visual contact was thus regarded as superior, with audio-only contact by phone, as a back-up measure.

It was more common than not for judges to specify or suggest one or more platforms for audio-visual contact in their orders ( $n=22$ , 63% of the judgments included orders for audio-visual contact). Those judgments that specified an audio-visual platform in orders most commonly mentioned Skype ( $n=14$ ), but also FaceTime ( $n=7$ ), WhatsApp ( $n=3$ ), Facebook Messenger ( $n=2$ ), or Zoom ( $n=1$ ). Over a third (37%,  $n=13$ ) did not specify how audio-visual contact should occur and often simply made reference to ‘video calls’ or ‘audio-visual contact’.

A small number of judgments (16%,  $n=6$ ) included orders for virtual contact to occur through other modes of communication, including email ( $n=3$ ), text ( $n=2$ ), social media ( $n=1$ ) and the recording and sending of videos of either the parent or child ( $n=2$ ), either monthly or weekly. For instance, in an international relocation case, *Scott v Harris* (2021), Justice Edwards directed that the mother:

... will set up a separate email account for [child] to receive correspondence from the respondent and his whānau. Initially while [child] is young the correspondence will largely be photos, images and other visual material. As [child] grows older and becomes able to type out words and sentences, it is anticipated that she may start replying to the emails as well, as and when she wishes to. (at [16(a)])

## Frequency, Times and Duration of Virtual Contact Ordered

The majority (82%,  $n=31$ ) of the judgments specified the **frequency of virtual contact** in orders, with most ( $n=27$ ) ordering at least weekly contact. Twice per week was most common ( $n=13$ ), followed by three times per week ( $n=8$ ), weekly ( $n=4$ ), and every day or every second day ( $n=2$ ). Generally, orders relating to older children (aged over 10 years) were weekly, whereas orders for younger children included more frequent virtual contact.

Four judgments contained orders for less frequent (monthly, or once or twice a year) virtual contact, but these were directions for virtual contact to occur on children’s birthdays or on Mother’s/Father’s Day, in addition to usual direct, face-to-face contact, or weekly telephone

contact. In another case (*Curiel v Zemanova* (2021), it was limited to a period of time the child was overseas travelling with a parent.

In addition to the frequency of contact, the orders in 13 judgments (34%) also specified the **particular days** on which virtual contact was to occur and most of these ( $n=11$ ) also specified the time, which was most commonly in the early evening (between 5:00 pm and 7:00 pm). Otherwise, it was more common for judges to not specify the days and/or times and to leave this decision to the parties themselves (66%,  $n=25$ ). Five judgments ordered “regular” or “reasonable” contact, or at “reasonable” times and frequency.

Other than fitting in with international time zone differences, there was no indication in the judgments as to why judges ordered particular times for virtual contact, but early evening would seem to be a time when both children and adults would be free during the week. However, as considered by Judge Muir in *Mackie v Nichols* (2021), avoiding children’s mealtimes would seem important. Similarly, Justice Dobson in *Chief Executive of Oranga Tamariki – Ministry for Children v Hodgson* (2018), ordered telephone and virtual contact (audio-visual communication) “arranged on terms that, as much as is practicable, accommodate any sporting activities and particular events [child] is participating in”, at [75(b)].

The **duration** of contact was not often specified in orders, with only five judgments (13%) doing so. While, in four of these, orders, were made for a *maximum* of 30 or 60 minutes, another ordered *at least* an hour. In three judgments, while the days and times were ordered by the judge, the duration was made dependent on the child’s comfort level or desire to continue the call longer than the specified duration. For instance, in *Cann v Farley* (2020b), Judge King noted that: “The length of the call will depend upon [child] to a large extent”, at [13(b)]. Similarly, in *Mackie v Nichols* (2021), Judge Muir ordered that: “The video/phone calls are to be limited between 5 and 10 minutes duration depending on [child]’s comfort levels”, at [83]. In *Scott v Harris* (2021), while specifying video calls of around 30 minutes three times a week, Justice Edwards noted this duration could be extended if the child wished to.

### **Child-directed or Child-focused Virtual Contact**

In addition to these three cases giving children some degree of agency over the duration of the virtual contact, another six judgments made provisions for children to initiate or request additional virtual contact to what had been ordered. For young children (aged 5 and 6) two judgments, both by Judge Black, included directions for the parents to facilitate this. For example, in *Rajan v Crosby* (2017), he directed that: “Each parent will facilitate [child] having phone or skype contact with the other parent if she should so request at any time when she is in the care of that parent”, at [105(iv)(m)].

Similarly, in cases involving grandparents wishing to re-establish contact with their grandchildren, orders in two judgments allowed children control over the contact they had. In *Lake v Newton* (2023) Judge Pidwell ordered that: “The children may contact their grandmother by way of email, text message or face-to-face at any time they wish to do so”, at [62(a)]. Similarly, in *Watson v Buckner* (2022), Judge Burns at [48] ordered that video or telephone contact with grandparents was to be initiated by the child (aged 12).

Conversely, Judge Montague in *Giles v Winkler* (2021) took into account the children's reluctance to have any form of contact with their father who resided overseas because of a history of violence and threats to have them removed from New Zealand. Because of these safety concerns, he made "some provisions for contact but it is not to be unsupervised and it is not to be face-to-face as that is contrary, quite clearly, to what the children have said they would be prepared to have and I am not going to make an order that is simply not going to work for them", at [16]. Indirect contact (by telephone and electronically) only was ordered.

### **Additional Directions Regarding Virtual Contact**

The majority of the orders for virtual contact were simple and brief, outlining such details as the day, time and communication mode or platform, and were an adjunct to other forms of direct, face-to-face contact. However, several judges provided more direction for parents on how virtual contact was to occur. Seven judgments detailed the need for each party to facilitate virtual contact with the child/ren and/or ensure the contact was not interrupted, constrained or emotionally upsetting for the children. As noted above, in two judgments Judge Black explicitly stated the **need for parents to facilitate contact** between the child and their other parent if the child requested it (*Meadows v Newman*, 2017; *Rajan v Crosby*, 2017).

In addition to facilitating requests from children to have virtual contact with their parent(s), two other judgments contained detailed **orders for parents to take an active role in encouraging and facilitating contact** with a parent living in a different country from their child. For instance, Judge Coyle, in *Sharp v Sharp* (2019) stated:

- (a) Telephone contact with each of the children at least weekly on a day and at a time to be agreed between [father] and [mother], and [mother] will ensure the children are able to talk to [father] in private.
- (b) There will be unscheduled text/messaging from [father], [and his partner] and other family members, and the children will be encouraged by [mother] to respond. In the case of text/messaging from [father] and [partner], the children will be directed by [mother] to respond within 24 hours. If [father] and/or [father's partner] send text/messages to the children and they do not respond, in the first instance they shall communicate with [mother] to let her know that the children are not responding so that she can then direct the children to respond forthwith.
- (c) [Mother] will also encourage and expect the children to participate in other social media and communication opportunities with [father]. at [41]

Similarly, in *Scott v Harris* (2021), Justice Edwards made detailed consent orders, ensuring a young child relocating to the UK would maintain contact with his father and whānau by way of a WhatsApp group and email to allow messages and the sharing of emails. Furthermore, the orders detailed books to be purchased to enable the child and his New Zealand-based whānau to read together.

[14] These [three-weekly] calls will be facilitated by the appellant as follows:  
(a) The appellant will purchase a separate phone for these calls and keep it charged. The appellant will install WhatsApp on that phone. The respondent and his whānau will make a group with M for the calls;  
(b) 15 minutes before each weekday call the appellant will message the respondent to confirm his availability for the call. If he is unavailable or does not respond, the schedule will move to the next call time;  
(c) The dedicated phone will be turned on for the two weekday calls (unless paragraph 14(b) above applies), and for the weekend call every week;  
(d) All members of the respondent's whānau can participate in every video call. For every call he makes, the respondent will call the WhatsApp group and any whānau who are available can also answer the call. Regardless of whether the respondent can make the weekend call, this call will go ahead. ....

[16] By consent: (a) The appellant will set up a separate email account for M to receive correspondence from the respondent and his whānau. Initially while M is young the correspondence will largely be photos, images and other visual material. As M grows older and becomes able to type out words and sentences, it is anticipated that she may start replying to the emails as well, as and when she wishes to. (b) Upon the respondent's request, the appellant will: (i) Purchase a copy of any books that the respondent and/or his whānau want to read along with M during the video calls. at [14]-[16]

As seen above in *Scott v Harris*, orders can include **instructions for dealing with missed calls or parents and/or children being unavailable** for scheduled calls. Judge King in *Seth v Bhav* (2020) similarly included such directions in a case also involving transnational distances between a parent and their child, noting the importance of both parents being committed to ensuring video calls were maintained.

[17] ... In the event either parent is unable to facilitate a video call, then that person will communicate the same to the other parent with a view to the missed call being made up the next day at the same time.

[47] [Mother] shall have video contact with the child via Facebook video messenger each Monday, Wednesday and Friday at 4.30 pm Fijian time (our 5.30 pm during daylight savings).

(b) In the event either [father] or [mother] is unable to arrange for [child] to have video contact at the due time, then they shall immediately message the other parent to advise them of the same and instead the missed contact shall take place at the same time the very next day. It is important that both parents remain committed to these video chats and not allow missed chats to accumulate. at [17] and [47]

As well, two judgments also included instructions about **ensuring virtual contact was not monitored, restricted** or that **children were not distracted**. In *Meadows v Newman* (2017) Judge Black ordered: "(d) When Skype contact occurs the parent who has [child] in their care will ensure that there are no distractions during the Skype contact. (e) Neither party will record their Skype or phone contact with [child]", at [47]. And in *Cann v Farley* (2020b) Judge King directed that: "The Skype calls in each household do not need to be monitored and [child]



shall be free, within reason, to move within each household for the purposes of that call”, at [13(d)].

Finally, **the potential for virtual contact to expose children to upsetting or abusive situations was reflected in three judgments.** *Henderson v Henderson* (2019) involved allegations of physical and psychological abuse by the father who had previously unilaterally removed three of the four children to New Zealand. The virtual contact orders were made after Judge Lindsay ordered the children’s relocation to Australia to their mother’s care. Judge Lindsay directed that the father could send a monthly video to his children in addition to weekly phone contact and a monthly Skype call. However, this was to be sent to, and previewed by, the mother and, “In the event the content is overly emotional [mother] does not need to show the video to the children but she should confirm this by email to [father] and she should retain the video”, at [84].

In *Chief Executive of Oranga Tamariki – Ministry for Children v Hodgson* (2018), a child was returned to his mother’s care who had been living with his grandmother because of care and protection concerns in relation to the mother’s former partner, with whom she had another child. Justice Dobson noted that the child had been seriously traumatised in the past by the step-father and there was the risk that the mother could allow, even accidentally, the child to have contact with him, as he was having contact with his daughter who lived with the mother. Therefore he ordered at [74(i)] that the child was “not to come into contact with [former step-father] either in person or by deliberate electronic communication, including Skype, telephone, messenger and so on, but accidental or unintentional contact shall not be deemed a breach of this condition” and that “(iv) During any Skype, or electronic communication between [step-father] and [his daughter], [mother] shall endeavour to ensure that [child] is not within hearing distance of such discussion.”

In *Watson v Buckner* (2022) Judge Burns noted that a 12-year-old boy was caught in the conflict between his mother and his grandparents who lived in the USA and had applied to have contact with him. Judge Burns ordered both annual direct and more frequent virtual contact, but made this conditional on the following to avoid the child being exposed to further conflict:

- (a) there shall be no negative comments made by any of the parties about [child’s] parents or grandparents either firstly with [child] or in his presence;
- (b) none of the parties are to discuss adult issues including Court proceedings with [child] or in his presence;
- (c) contact with [child] shall not be an opportunity to glean information from or to persuade [child] about his parents or grandparents or his relationship with any of them; at [49]

## Perspectives, Challenges and Benefits of Virtual Contact

In addition to analysing judicial orders relating to virtual contact, the case law analysis also reviewed all 70 judgments to determine the following:

- (a) judicial, professional or parties' views on virtual contact reported in the judgments;
- (b) challenges of virtual contact reported in the judgments; and
- (c) benefits of virtual contact reported in the judgments.

Two-thirds (66%, n=46) of the judgments contained some reference to at least one of these matters.

### Judicial, Professional or Parties' Views on Virtual Contact

Nineteen judgments contained various people's views on virtual contact, including judges, lawyers, report writers, parties and witnesses. The majority of the comments reflected the view that **virtual contact was no substitute for face-to-face contact**, which was regarded as superior. For example:

In terms of continuity of relationships with family, including siblings and wider family group, their mother has acted to impede maintenance of the inter-sibling relationships. Relationships can be maintained by way of contact through digital or telephonic means, although that obviously is far less beneficial than children being in the immediate proximity to each other. (per Judge Callinicos, in *Graves v Tonks*, 2019 at [101])

"Virtual" contact is no substitute for physical presence for any extended period of time. (per Justice Peters, in *Evans v Roberts*, 2020 at [29])

During oral submission the applicant submitted that contact by way of Skype is not ideal. He provided the Court with information about the Texas Family Code and notes that the availability of electronic communication, such as use of phone, e-mail, instant messaging, video conferencing or webcam, is not intended as a substitute for physical possession of, or access to, the child where otherwise appropriate. He considers that Skype is shallow. (Paternal grandfather, per Judge Harrison in *Hampton v Rennie*, 2020 at [76])

He [father] feared that the one-off annual visit proposed by [mother], although well-intentioned, was likely to run into ongoing difficulties with the COVID-19 pandemic and regular video and phone contact would be no substitute for face to face contact. (per Judge Manuel in *Hughes v Trask*, 2020, at [80])

No amount of video contact will provide the depth of experience that comes from living with an absent parent, even if limited to a week or so each holiday period. (per Judge Druce in *Harris v Barker*, 2021, at [30])

[Child's] continued relationship with her father, and with her family group will be preserved and strengthened if she can have visits to her father in prison together with her siblings and stepmother. She will gain far more from those experiences than she will from just telephone or video calls. (per Judge Ginnen in *Sika v Foster*, 2023 at [48])

There was an acknowledgment that despite the availability of virtual contact, children and parents, or other family members such as siblings, being separated geographically could have a **detrimental impact on their relationships**.

And although I accept [father's lawyer's] submission that technology allows contact in many ways formerly unavailable, it goes too far to suggest that this is an adequate substitute for quality in person contact. I see it as a desirable "add-on" to base-line satisfactory arrangements. ... I accept also the Judge's conclusion that despite modern technology the relationships with the children's ... family and in particular their mother cannot be maintained as well from a distance. (per Justice Muir in *RM v TC*, 2021 at [59] and [72])

I have taken into account that a separation of siblings does not necessarily lead to a permanent separation. I have also taken into account that there are other forms of staying in contact that do not necessarily require the siblings to be in each other's physical presence. Nevertheless, given the psychologist's evidence, I accept that there will be a negative impact on both A and N if they are separated from B, and from each other. (per Justice Edwards in *OP v JM*, 2022 at [72])

The children would have become limited to an electronic or telephone relationship with their father during school term and then condensed holiday periods with him, if they move to Australia. Their continuity with respect to their relationship with their father will be detrimentally affected if they move to Australia. (per Judge Blair in *Wilder v Keith*, 2020 at [81])

One of the arguments against virtual contact that was made in two judgments related to **attachment and the inability of young children to form and/or maintain relationships via digital means**. In an international relocation case, involving a 5-year-old boy (*Benson v Schwartz* (2019), Judge Black, reported on the s 133 report writer's (Dr Garner) view that virtual contact was not sufficient to maintain or develop relationships for a child of this age who had not already developed a secure attachment.

The focus of the expert evidence has been, of course, on the proposal to relocate to the UK. Mr Garner's opinion and, again while challenged, was not able to be shifted on his expert opinion, was that the level of contact and the type of contact that [child] could have with his father if he is living in the UK and his father is living here, poses a significant risk to the attachment relationship that [child] has with his father. Put simply, and I am always at risk of oversimplifying, Mr Garner's position is that indirect contact, such as Skype and video calling phone contact, is not sufficient to maintain and develop an attachment relationship in circumstances that exist here, and the focus is on this attachment relationship not

attachment relationships generally. While a child of [child's] age developmentally might be able to maintain an attachment relationship from a distance such as this, it would be at the lower limits in terms of age for that relationship to be maintained and it would require as a prerequisite that the child had a highly secure attachment relationship with the parent being left behind and [child] does not have that kind of relationship with his father. Mr Garner's opinion, and he was not challenged about this, was that while [child] has particularly over the last year developed more of a secure relationship with his father, it is still vulnerable. Attachment relationships, as Mr Garner explained, require ongoing everyday involvement in a child's life; physical involvement, touch, smell, cuddles, reassurance, the provision of food, those sorts of things and, of course, those things cannot happen in an electronic medium. So Mr Garner's evidence is that there is a real risk to the relationship between [child] and his father if [child] relocates to live in the UK. at [39]

Similarly, in another case involving a proposed international relocation, Judge Broek in *Paarua v Ruiha* (2022) did not believe a child of 22 months of age was old enough, nor that her relationship with her father was developed, enough to cope with virtual contact. He rejected the mother's proposal for video calls thrice weekly between direct contact commenting that: "Video calls are no substitute for direct contact, a point [mother] had already conceded. I therefore, reject her contention that her contact proposal will meet [child's] needs, which I treat as a hollow assertion, as it is directly in conflict with her own evidence", at [82].

In proceedings through the New Zealand Central Authority seeking an order for the return of a 21-month-old to the UK (*Rush v Mercer*, 2021), Judge Coyle disagreed with the mother's lawyer's submission that the child's sense of connection to the UK had been maintained via Skype calls. He noted that:

It is significant in this case that [child] has spent 19 of his 21 months in New Zealand. All of his cognitive years have been in New Zealand. [Mother's lawyer] submitted that [child's] sense of connection to the United Kingdom has been maintained through Skype calls. I disagree. *Firstly, in many cases in which I have presided in the Family Court expert evidence from psychologists has stated that all pre-school children are incapable of forming relationships through Skype because they lack the cognitive and developmental skills to form relationships via video calls (unlike teenagers or adults who seem to primarily communicate and form relationships through electronic means).* Secondly, ignoring that proposition, there is a marked difference in Skype calls throughout the week versus [child's] lived experience in New Zealand. I agree with Mr Howell's submission that [child's] primary attachment must be to [father] and not to his mother. For 19 of his 21 months it has been [father] who has put him to bed, bathed, fed and played with him. ... [Father] who has comforted him when he is upset. *[Father] is a presence in his physical reality, compared to the abstract experience of seeing and hearing his mother electronically,* apart from a few weeks at the start of 2020 when she returned to New Zealand. at [40] (emphasis added)

Similarly, in a case involving a proposed relocation of a 4-year-old to the US (*Barnett v Cline*, 2020), Judge Black noted that indirect contact and infrequent direct contact would be insufficient to maintain her relationship with the distant parent:

[Child's] relationship with what has been referred to in these proceedings as the "distant parent" will be seriously put at risk in either scenario. Indirect contact is not sufficient to maintain the current relationship. Direct contact which is likely only to be able to occur on two, maybe three occasions each year is not sufficient to maintain the existing relationships, or at least there is a serious and credible risk that those forms of contact are insufficient to maintain [child's] relationship with the distant parent. at [21]

However, the use of virtual contact for older children to maintain relationships while temporarily apart from a parent (e.g., while travelling/holidaying overseas) was seen more positively. For instance, in allowing an 11-year-old girl to travel internationally to her mother's country of origin, Judge Barkle, in *Curiel v Zemanova* (2021), acknowledged the impact such travel could have on her familial relationships, particularly with her father, but stated that "there are the usual social media avenues for that to be maintained while [child] is away" at [25].

Similarly, in *RM v TC* (2021) Justice Muir commented that the lawyer for the father had argued that: "in the digital age, contact does not require the children to 'live on their family's doorstep' and that fortnightly direct contact together with video calls and phone calls and social media meant that the relationship could be more than adequately maintained from [another location]. ... he submitted that contact by phone and video in fact expanded human interaction by 'require[ing] people to talk and open[ing] up lines of communication'" at [34–35]. However, in response, the mother's lawyer "further submitted that video contact was no substitute for in-person contact and would inevitably lead to increased alienation over time", at [45].

Two cases involving international travel or relocations highlighted differences in views about the **utility of virtual contact to maintain family and cultural connections**. One of the principles in the Care of Children Act 2004 relating to a child's welfare and best interests is "a child's identity (including, without limitation, his or her culture, language and religious denomination and practice should be preserved and strengthened" (Section 5(f)). In *Bailey v Almanza* (2021), Judge Grimes commented that a 7-month-old child could develop her cultural identity, in part, through virtual contact with her family:

[Child] is half [South American]. There is no doubt there will be a time and place where it is going to be important for her to go to [the SAC (South American country)] so that she can learn her culture in the country that her mother is from. However, at this stage she is too young to do so. [Mother] can provide her with cultural experiences through her own teachings and exposing her to [child's] grandmother who is also [from the SAC]. [Child] has daily video contact with her [family in the SAC] and can, through this medium, develop her cultural identity. at [66]

In contrast, in *Hughes v Trask* (2020), involving the proposed relocation of a 5-year-old Māori child to the UK, the father's family argued that the child's "relationship or connection to her whānau, hapū or iwi and her identity could best and perhaps only be addressed if she remained in New Zealand" at [85], and that the child's:

... identity would be preserved and strengthened in a visceral and organic way if she grew up in New Zealand with face to face contact with her paternal and extended family, and a connection with the whenua. There was no real substitute. at [88]

Judge Manuel reported on the cross-examination of the child's paternal grandmother, who questioned how her mokopuna's identity and whakapapa could be taught through video calling:

Q... there has been some discussion around keeping [child] connected to her whakapapa and you heard some of the steps that [mother] is taking with regards to her moko, and I know that your, I think you said that that's beautiful. You've also talked about this being detrimental if she relocates to the UK. You've used words like, disengaging her from her identity. What do you mean exactly? Are you able to expand on that?

A. This is where she was born. How can a picture or a TV programme or whatever it is going to be, teach her about her whakapapa? How are we going to be able to associate her with her marae ... through her whanau? She's got a big whanau? To her hapu. How are we going to that through Zoom? at [87]

Finally, while virtual contact was largely regarded as inferior to direct contact in the judgments, Judge Black in *Meadows v Newman* (2017) commented that **video contact was superior to phone contact**:

.... [Mother] has ... made no attempt to restart the Skype contact which everyone agrees is better for a child of [child's] age (5 years) than telephone contact. Little children are not very good on the phone. Little boys turn into big men who are not very good on phones either. It tends to be largely transactional. at [34]

There was also an acknowledgment that in some situations, **virtual contact was the only option available**. For instance, in *Giroux v Bond* (2021), due to concerns about travel during the COVID-10 pandemic, Judge Russell noted at [22] that COCA s 5 issues relating to safety (s 5a), the need for the child's relationships with her father and extended family to be preserved and strengthened (s 5e), and the importance of the child's cultural identity (s 5f) "are going to have to be addressed by electronic contact".

## Challenges of Virtual Contact

Problems, issues or concerns with virtual contact reported in the judgments largely centred around: child reluctance or anxiety; difficulties engaging with children; difficulties with parental engagement and facilitation; conflict over device use; access issues; and safety concerns about children being exposed to parental conflict or inappropriate people or behaviour.

### *Child distress or reluctance*

Three judgments discussed evidence of **children exhibiting distress or anxiety about virtual contact** with a parent. However, although not always directly addressed in the judgments, it appeared that this distress may have been due to issues relating to parental conflict, trauma, loyalty binds, and/or it was the contact itself, rather the virtual nature of it, which may have been the problematic issue for these children.

In *Azoulay v Nelson* (2017), Judge Walsh detailed the evidence from a s 133 report about a young (aged under 5) child's reaction to virtual contact with her father:

When [child] started discussing Skype calls with the father, [clinical psychologist] noted her "chatty, responsive demeanour changed, she closed down, initially stared intently at the writer, looked very guarded then looked away and she did not respond." This response indicated her Skype contact with the father could be a source of discomfort for her. The actual cause of her discomfort was unclear, but she made a quick recovery, became chatty and engaged again as soon as [clinical psychologist] moved to another sphere of her interests. at [44]

Similarly, in *Seth v Bhave* (2020), Judge King met with the child (aged 7) whose mother lived in Fiji after being unable to return to New Zealand due to immigration issues and had sought orders to enforce her rights to access. The child had "irregular, infrequent and very limited video contact" with his mother despite her "best endeavours to maintain contact with her son" (at [2]) for six years. In meeting with Judge King, the child demonstrated anxiety in relation to this contact. In her notes attached in an Appendix to the judgment, Judge King commented:

Towards the end of the interview and whilst I was summarising our discussion, [child] appeared anxious when the topic of video contact with his mother came up. He again told me he wanted to stay with his dad and to stay in New Zealand. ... My impression is that [child's] feelings about contact with his mum are impacted upon by the level of support or opposition that [child's] father may have to contact.

Children's distress at having virtual contact was also discussed in *Puckett v Mason* (2020). The mother of two children (aged around 7 and 10) had stopped phone and video contact with their grandmother, claiming they were upset and disturbed by it and/or fearful of being exposed to their father during contact as he was now residing with her (following his release from prison on parole after being charged with the attempted murder of their maternal

grandfather and convicted of wounding him). However, Judge Smith was satisfied that there was no risk that the father would be present during phone or video calls and noted that the mother had not raised the issue of the children being upset or distressed until the father was released from prison. Judge Smith found that the mother had breached the parenting order by repeatedly and deliberately “failing to effect the telephone/video contact”, at [43].

**Children expressing or exhibiting reluctance** to have virtual contact was also noted in four judgments. In *Puckett and Mason*, as detailed above, one of the children said she felt pressured and that the video calls with her grandmother made her think about her father. She told Lawyer for the Child that:

When the phone calls started they were good, the first calls were short and then it became longer, but she went with it. She said at the start she was happy but the last few times speaking with Grandma reminded her of Dad too much and she felt pressured by that, although it was clear from [child] that Grandma was not putting her under pressure. [Child’s] view was that the phone calls were making her think about stuff. [Child] did confirm that Grandma did not talk about Dad. [Child] said she does not like talking about her dad because of what he did. She did agree that the last phone call she had with Grandma went for about an hour and she still wants Grandma to be happy and does not want her to be sad. ... [Child] felt kind of better once the phone calls stopped. at [20]

Judge Smith noted at [48] that the child had previously been very comfortable with the contact with her grandmother and it was unclear if the child’s reticence could be easily resolved by the mother providing reassurance. This case, and *Seth v Bhave* (2020), highlight the importance of the role of parents in facilitating, or conversely, hindering or stopping virtual contact.

In *Watkins v Watkins* (2021) the father of three children resided in the UK, but indicated he would return to New Zealand if the Court placed the care of the children with him. While in the UK the father had regular video calls with the children, but the eldest two had been refusing to communicate with him, expressing anger towards him for leaving them. However, the reasons for the children’s change of attitude and reluctance to have contact with their father were unclear. Judge Grace declined to change the care of the children and ordered that: “The father should have FaceTime (or such other appropriate electronic contact) with the children once a week”, at [56].

In a relocation case (*Mazar v Holloway*, 2019), a 3-year-old child was having daily Skype contact with his father after returning from an Eastern African country with his mother. When his father was visiting New Zealand the child expressed some reluctance to have overnight stays with him, which a s 133 report writer attributed to the child being exposed to “adult dynamics”, at [66]. Judge Druce granted the father the day-to-day care of the child and allowed his relocation to the Eastern African country, with orders for twice-weekly audio-visual contact with his mother, and his father while visiting his mother in New Zealand for contact. One of the reasons that Judge Druce allowed the relocation was his finding that:



... for as long as [child] remains in his mother's day-to-day care and for as long as her own personal needs and anxieties dominate her relationship with [child], there is a very high risk of [child], first, refusing to transfer from his mother's care to his father's care at contact handovers and, second, avoiding or refusing usual AVL (audio-visual link) contact with his father. In comparison, for as long as [child] is in his father's day-to-day care, he will experience a full and authentic support for his relationship with his mother (and maternal family). at [89–90]

A 10-year-old boy whose place of residence was decided in *Weaver v Bradford* (2021), told Lawyer for the Child that: "I don't really want to go to [location] coz I don't want to see dad less. I want to see mum 5 days and dad 2 days and a bit". He said further "*I don't want to see dad or listen to dad on the computer or on mum's phone*", at [35]. He also expressed a desire to discontinue with "daily texting" and did not feel his father was listening to his opinions about this at [46]. At a later date the child changed his mind and told Lawyer for the Child he wanted to relocate. Ultimately, the relocation was denied. Judge Wagner made "no specific provision for indirect contact beyond saying [child] should be free to contact his father by phone whenever he wishes", at [67].

### ***Difficulties engaging with children***

Three judgments mentioned difficulties with engaging children during virtual contact, particularly young children or those with developmental issues (*Azoulay v Nelson*, 2017; *Blair v Blair*, 2022; *Puckett v Mason*, 2020). For example, in *Puckett v Mason* (2020) one child's developmental disorder made his participation in video calls difficult. However, his grandmother with whom he was having virtual contact reported that the child was able to manage this.

[Grandmother] undertook the telephone video calls regularly and in fact the last she had ... lasted for about an hour. Again, no difficulties present and the children happy and willing to speak with her. [Grandmother] advised at no time did she detect reticence, or distress, or concern from the children about those calls ... That said, [grandmother] is well aware that [child] can find it difficult to participate in video calls. While he has received a recent diagnosis of [a developmental disorder] [grandmother's] evidence was she is well aware that he had difficulties concentrating and/or knew that prior to the consent orders being made and ... understood that he could not always talk for very long and in her view he had been flexible about that and is well able to manage if he is not engaging. at [10–11]

In a fourth judgment, (*Fleming v Hibbart*, 2019), Judge Barkle noted at [33] that the father had not had contact via phone, FaceTime or social media, in part due to the child's young age (5 years).

### ***Lack of engagement or facilitation by parents***

The role of parents in the success of virtual contact was also a challenge mentioned in 14 judgments. In six cases it was **parental lack of engagement** that was said to be problematic

(*Benson v Schwartz*, 2019; *Cann v Farley*, 2020a; *Chief Executive of Oranga Tamariki – Ministry of Children v Frye*, 2020; *Hughes v Trask*, 2020; *McDonald v McDonald*, 2017; *Meadows v Newman*, 2017). For example, in *McDonald v McDonald* (2017), the father “despite having the opportunity to maintain contact with his sons via Skype when they were not in his care ... seldom, if ever, availed himself of this facility”, at [45].

The lack of engagement could be due to several reasons, which were not always explained in the judgments. However, in *Meadows v Newman*, this lack of parental engagement was due, in part, to **access issues**. The mother could no longer afford internet charges at her home and was reluctant to use other venues (such as school or the home of family members or a friend), and therefore could not continue with contact via Skype. However, once the lack of internet was resolved, there had been no attempt by the mother to resume virtual contact for several months.

Judge King in *Cann v Farley* (2020a) noted that while she had previously allowed daily video messaging between a child and her mother, this had not taken place because of the mother’s limited IT ability, at [16 (f(i))].

**Lack of ability or skill in engaging with children virtually** was also an issue reported in two judgments. In *Benson v Schawartz* (2019) the father “acknowledged that he needs to do some work in terms of how he engages with the Skype communication” at [21]. And in *Chief Executive of Oranga Tamariki – Ministry of Children v Frye* (2020) Skype contact between a mother and her 7-year-old son had not been going well. The child’s caregiver had “felt pressured by the frequency and intensity of the mother’s text and email communication” (at [28]) in relation to Skype contact. The contact itself appeared to be unsatisfying for both the child who found it dull and the mother who found it frustrating. However, this case illustrates the value of coaching which helped the mother with her ability to engage successfully with her son and there was a “significant improvement in [child’s] Skype contact, which is now satisfying for all”, at [137].

This [Skype contact] was, at times, last year, dull for [child], and frustrating for his mother. Some coaching for his mother has led [to] a significant improvement, such that [child], his mother and [child’s] caregiver all report that the Skype contact is a delight to [child]. The mother becomes engaged with what is happening for him at school and personally. [Child] enjoys reading to his mother and talking about what is happening for him. at [146]

In *Hughes v Trask* (2020), the mother was critical of the father’s commitment to the informal contact via video calls after unsupervised contact was suspended due to the father breaching the no-alcohol condition. While contact was initially every day, it then reduced to 2–3 times per week, then was intermittent and gradually ceased. The father believed the mother was “against him” and that this virtual contact was no substitute for direct contact. He also partly attributed his inability to maintain the video calls to being “overwhelmed by his own emotions”, at [65]. However, it appeared that the father also experienced difficulties maintaining unsupervised contact.

A further eight judgments detailed issues relating to the **lack of facilitation of virtual contact by a parent** (*Andersen v Lewis*, 2023; *Davidson v Barnes*, 2020; *Giroux v Bond*, 2021; *Lake v Newton*, 2023; *Puckett v Mason*, 2020; *Ronin v Rigby*, 2019; *Seth v Bhave*, 2020; *Thu v Kin*, 2023).

In some cases a parent had **obstructed or prevented contact** between their children and the other parent or another family member, such as a grandparent. The father in *Davidson v Barnes* (2020) reported difficulties with phone contact with his children during the COVID-19 lockdown, being given “restricted and very rigid times” when the mother allowed him to contact them. He also found phone conversations with his young children (aged 3, 6 and 7) difficult and “was concerned that there was no social media contact when at least three separate platforms for social media has been suggested”, at [12]. The mother had also been advised by her lawyer to facilitate contact by social media after withholding the children when the country went into lockdown. Judge Muir noted that:

[23] Section 5(e) [of COCA] provides that a child is to continue to have a relationship with both his or her parents and that a child’s relationship with his or her family group, whanau, hapu or iwi should be preserved and strengthened, and again the withholding of children from contact, but more particularly the failure to facilitate realistic, available and reasonable alternative forms of contact during the lockdown period is again to put it mildly, regrettable on Mother’s part.

[25] I pause here to note that the terms of a parenting order do not incorporate any guardianship obligations. I also note that they do not actually impose any requirements on either parent if contact cannot occur through outside agencies such as the current COVID-19 crisis. However, that does not mean that Mother’s failure to promote contact in any form for a long time between the children and their father is justified. It is not. It was wrong. No good explanation is offered, for example, for there having been no social media contact arranged by Mother. at [23] and [25]

In *Lake v Newton* (2023), while a 13-year-old girl was open to having communication with her estranged maternal grandmother via text and her father had agreed for this to happen, it did not occur as her father and step-mother did not respond to her grandmother’s or Lawyer for the Child’s requests to start this contact. *Andersen v Lewis* (2023) involved an appeal of a Family Court decision ordering the return of an 11-year-old child to the United States under the 1980 Hague Convention where he lived with his mother. Orders were in place that included that the child would have access to an iPhone or iPad to enable contact via FaceTime with each parent while in the care of the other. The child was then not returned to the US after visiting his father. In arguing against the child’s return the father said there was a grave risk the child’s return would expose him to physical and psychological harm, and in the appeal argued that psychological violence included the mother’s husband restricting and monitoring the child’s electronic contact with his father while he was in the US. However, Judge Mander at [73] found it difficult to form any reliable conclusions regarding the allegation.

Despite having a consent order for children to have weekly video contact with the parent they are not with, the father in *Thu v Kin* (2023) did not believe he could compel his children to have contact (or any relationship) with their mother who lived elsewhere, nor that he should

try to facilitate this. Due to the high degree of animosity between the parents and the father's belief he could not persuade his children to have contact with their mother, the children were placed under the guardianship of the Court. Judge Muir ordered that the existing consent order be complied with and Oranga Tamariki was directed to consult with Lawyer for the Child and the children as to additional supports that might be required to ensure this occurred, including the provision for regular video contact.

In *Ronin v Rigby* (2019) a mother had unilaterally moved in breach of a parenting order, and ceased the thrice-weekly FaceTime (and direct) contact during the period between when she relocated with their child and notifying the father of this move. The mother was admonished and a directions conference to vary the parenting order was set down.

In other cases, proceedings included allegations about a parent not facilitating virtual contact. For example, in *Giroux v Bond* (2021) the father, who lived in Europe, filed an application to settle a dispute between guardians about various issues relating to his 8-year-old daughter, including the mother's lack of encouragement for her to engage in video calls with her father via Skype. The mother raised "issues with current Skype contact" (the nature of these issues was not detailed in the judgment), but did recognise the need for the child to have contact with her father and his family, and given the COVID-19 pandemic, Skype was the best way for this to happen.

### **Safety concerns**

Several judgments detailed issues relating to children being exposed to parental conflict, anger, and abuse through virtual contact. In two cases, **devices and their use were a source of conflict**. In *Blair v Blair* (2022) the father noticed his daughter was wearing a smart watch that could be used to send and receive messages from the mother about her arrival and departure from school, which angered him and this scared his daughter:

[Father] asked [child] about her watch and she described it as her safety watch. [Father] took this personally and interpreted this as [mother] violating his contact time with his children. [Father] became angry. [Child] saw his anger on his face. [Child] became frightened and subdued and tried to hide her watch. at [107]

Similarly, in *RM v TC* (2021), the Lawyer for the Child noted a 10-year-old girl had told her mother during supervised contact that she was banned from using her tablet because she had been talking to her and had also got into trouble for creating an Instagram account.

There were also two judgments (*Baker v Harding*, 2018; *Carson v Holt*, 2021) where a parent had found out during video calls with their child about their unilateral relocation. Additionally, in *Carson v Holt* (2021), the father, while on a FaceTime call with his 5-year-old son, began yelling, swearing and threatened his child's mother's new partner, telling his son he was going to "smash" him and "stomp his head in", at [24].

Three judgments raised concerns about **children being exposed to inappropriate people or behaviour** during virtual contact. As detailed above in *Puckett v Mason* (2020), a mother had stopped contact via phone and video alleging her children were distressed and fearful at their

father (who had been convicted of assaulting their grandfather) being present during virtual contact with their grandmother. In *Chief Executive of Oranga Tamariki – Ministry for Children v Hodgson* (2018), allegations were made that a step-parent who had abused the child and his mother had been present during a Skype call involving the child. Finally, in *Hughes v Trask* (2020), a mother expressed concerns about the father video calling their daughter while under the influence of drugs or alcohol.

## Benefits of Virtual Contact

Benefits or positive aspects of virtual contact were not commonly reported in the judgments. However, several did indicate the opportunities afforded by virtual contact, mainly as a **means to maintain contact and relationships when separated by distance or lack of direct contact**. For instance, in *K v P* (2018) Justice Wylie agreed with Counsel for Child that “there are other options available for [5-year-old child] to maintain her close relationship with [her step-siblings, aged 6 and 9] if she wishes to do so. A possible option is communication by way of “Skype” or “FaceTime”. Both would permit [child] to see and talk to [siblings] in a relaxed setting”, at [38].

Similarly, in *Rowley v Qamas* (2017), Judge Maude noted that: “Put simply, for [child] at his age living with his father, if [mother] did not return to the United States, contact with mother and [brother] is capable of occurring by way of telephone, Skype, other means of social media and on a face-to-face basis in holidays or whenever [mother] chose to travel to the United States”, at [92].

Unsurprisingly, in some relocation applications or requests to lift orders preventing removal, **virtual contact was proposed to compensate for a reduction in direct contact** as an outcome of the proposed increase in geographic distance between children and their other parent. Parties sometimes pointed to children using virtual contact successfully to maintain relationships with family, particularly grandparents, who lived overseas. For example, in *Paarua v Ruiha* (2022), Judge Broek noted:

[Mother’s] unchallenged evidence is that contact between [child] and her extended maternal whānau in [Australia], which incorporates her maternal grandmother and uncle, has been maintained by frequent video calls. at [23]

However, Judge Broek rejected this evidence, noting that virtual contact was no substitute for face-to-face contact, and declined the relocation:

The other aspect of [mother’s] contact proposal was video calling, offered three times weekly in between any face to face contact. Video calls are no substitute for direct contact, a point [mother] had already conceded. I therefore, reject her contention that her contact proposal will meet [child’s] needs, which I treat as a hollow assertion, as it is directly in conflict with her own evidence. at [82]

Similarly, in *Benson v Schwartz* (2019), the father who objected to the relocation of his 5-year-old son to the UK, asserted that the child’s relationships with his family in the UK had been able to be promoted through indirect means such as Skype.

In five judgments it was **children themselves who proposed virtual contact or expressed a desire for it to continue** – in four cases this was a means to gradually re-establish contact with a family member or to maintain contact while not wishing to have physical contact. In *Watkins v Watkins* (2020), an 11-year-old girl was resisting contact with her father, particularly in his home, due to anxiety and ritualised behaviours. Through a psychologist who had undertaken therapy with the child, she “requested that contact occur on her own terms such as occasionally going out for dinner or having video contact”, at [47]. Ultimately, the judge made interim orders placing the child in the day-to-day care of the father, in order to help reduce the behaviour, better engage with therapy, and to restore the relationship with her father.

Another case, *Lake v Newton* (2023), involved grandparents wishing to re-establish a relationship with their two grandchildren. The view of the youngest, a 13-year-old girl, presented to the Court by Lawyer for the Child, indicated that: “She was prepared to think about talking to both of her grandparents (and especially her grandfather) in order to develop a relationship with them, essentially a reintroduction to her grandparents. In her mind, talking meant texting. She was open to considering a relationship with her grandparents. She wanted it to be slow and easy and not forced upon her”, at [37].

In *Fayen v Lees* (2022), a young person (aged 15) also expressed an openness to resuming contact with his father via text, seeing it as an ice-breaker. Judge Broughton reported that:

There is a part of [child] that wants to have contact with his father. He spoke about the prospect of there being some text messages between them, which he would see as an icebreaker. In saying this, he said he needs time to really think about what that would look like. [Child] said to me, “I think it would be nice if Dad did text me. I haven’t blocked him on total social media”. [Child thought maybe once a week or every fortnight, his father could text and perhaps their communication could start like that. At this stage, [child] does not want to speak to his father. He thinks texting will be sufficient. at [85]

Similarly, in *Re Price* (2021), a 12-year-old boy who felt unsafe during overnight unsupervised contact with his father was seeking a stay of any orders for unsupervised contact. However, he was having frequent virtual contact via telephone, video and online and expressed a wish for this to continue. Finally, an application pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (*Rowley v Qamas*, 2017) involved the wrongful removal of two children from the US. The father sought the return of his 10-year-old son, who objected to being returned. In a s 133 report the child “expressed a desire to have some form of contact with his father. Video calls were his preference from New Zealand so that he could tell his father that he missed him”, at [68].

Some of the judgments reviewed mentioned previous or existing care and contact arrangements that included the use of virtual contact, with no assessment or reporting of either the challenges or benefits experienced by the families. However, in one judgment (*Fransson v Fransson*, 2021), the children were reported to enjoy the daily virtual contact (via phone, video messaging and exchanges of photos and videos) they had with their father living in another country. However, they still missed their father and would like to see more of him.

## Key Findings – Case Law Analysis

- 70 Family and High Court judgments mentioning virtual contact.
- The majority related to geographical distance (83%) or children’s care and contact arrangements (56%), or both (39%).
- Audio-visual contact was the most commonly mentioned (84%) – Skype (34%) or FaceTime (20%).
- Non-specific mentions of virtual contact were common (43%).
- The majority (82%) of orders for virtual contact were made in conjunction with orders for face-to-face contact.
- Judicial orders for virtual contact were made due to:
  - Geographic distance (79%) – 42% transnational distances.
  - Ensuring contact between physical contact.
  - Resuming contact after periods of estrangement.
  - COVID-19 restrictions.
- 47% of the judgments included provisions for individuals other than families to have virtual contact (e.g., extended family, grandparents, siblings).
- The most frequently ordered mode of communication was audio-visual (92%).
- Most (82%) orders specified the frequency of contact – mainly at least weekly.
- Over a third (34%) of the orders specified particular days for virtual contact to occur.
- The duration of virtual contact was seldom specified in orders.
- Some evidence was found of children and young people having agency in virtual contact.
- Judges sometimes specified directions for parents to:
  - Facilitate or encourage virtual contact.
  - Deal with missed calls or unavailability.
  - Not monitor or restrict contact.
  - Protect children from harm.
- **Perspectives on virtual contact in the judgments:**
  - No substitute for direct contact – but superior to phone or no contact.
  - Inadequate to form or maintain attachment and relationships for young children.
  - Variation in views on its use in maintaining family and cultural connections.
- **Challenges of virtual contact mentioned in the judgments:**
  - Child distress or reluctance.
  - Difficulties engaging with children.
  - Lack of parental engagement or facilitation.
  - Parental obstruction.
  - Safety concerns for children.
- **Benefits of virtual contact mentioned in the judgments:**
  - Means to maintain contact and relationships.
  - Compensation for reduced contact in relocation applications.
  - Children’s preferences.
  - To re-establish contact after periods of estrangement.

## KEY STAKEHOLDER CONSULTATIONS

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Consultations with key stakeholders in the family justice sector were undertaken to:

1. Determine their views on, and experiences of, virtual contact and the pertinence of it for their agency or organisation and its members;
2. Understand relevant issues and professional information needs and interests to inform the design of the online survey for family justice professionals and future proposed phases of the research;
3. Enlist their help with the recruitment of family justice professionals to complete the online survey; and
4. Identify potential members of a Project Advisory Group and research partners for subsequent phases.

Twenty-four organisations, agencies or individuals identified as key stakeholders were invited to meet with the Principal Investigator. Positive responses were received from 15, and ultimately 13 consultations were undertaken with 17 individuals from the following professional groups/organisations:

- Family Law Section of the NZ Law Society | Ngā Rōia Ture Whānua (1).
- Family lawyers and Lawyer for the Child (3).
- Ministry of Justice | Te Tāhū o te Ture (4).
- Aotearoa NZ Association of Supervised Contact Services (1).
- Our Family Wizard (1).
- Netsafe (1).
- Specialist report writers/Psychologists (3).
- Family Dispute Resolution providers – FairWay Resolution, Family Works, Family Dispute Resolution Centre (4).

Most were undertaken via video-conferencing, with three consultations being conducted face to face.

All consultees expressed interest in, and support for, the research, seeing it as an interesting, important and timely topic. They also thought the production of guides and resources around the use of virtual contact would be useful, and provided helpful suggestions for questions/issues to address in the online survey for family justice professionals and potential future phases ascertaining the perspectives and experiences of parents/caregivers and children.



# SURVEY OF FAMILY JUSTICE PROFESSIONALS

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New Zealand Family justice professionals were surveyed about their experiences of, and views on, the use of post-separation parent-child virtual contact. The data was collected through an anonymous nationwide online survey.

## Ethical Approval

The University of Otago Human Ethics Committee granted approval for the research on 28 April, 2023 (Reference number: 23/054). The University of Otago Māori consultation process was also undertaken with the Ngāi Tahu Research Consultation Committee. A successful application was also made to the Judicial Research Committee for judicial participation, which was granted in September, 2023.

## Method

### Participant Recruitment

Family justice professionals were recruited to take part in the study by invitations to complete the online survey. Information about the survey was distributed widely within the family justice sector, largely via email. Articles about the research with a link to the online survey were also published in the *Family Advocate* (the magazine of the Family Law Section of the New Zealand Family Law Society) and the newsletters of several professional bodies. Posts about the study were also made on one professional body's Facebook page.

Emails providing information about the study including a link to the online survey with an attached information sheet (see Appendix A) were sent to as many family justice professionals as possible. Contact was made directly if their email address was publicly available or via a contact person at their professional body or organisation/agency who agreed to distribute the email to their members, staff or colleagues. The following professionals were invited to participate:

- Members of the Family Law Section of the New Zealand Law Society – family lawyers and those acting as Lawyer for the Child.
- Community Law Centre staff and volunteers.
- Family Dispute Resolution providers/mediators (Fair Way Resolution, Family Works Central, Family Works Northern, FDR Centre).
- Child's Voice Practitioners/Child Inclusion Specialists/Voice of Child Specialists (Fair Way Resolution, Family Works Central, Family Works Northern, FDR Centre).
- Supervised contact providers.
- Parenting Through Separation providers.
- Family Court counsellors.
- Kaiārahi – Family Court navigators.
- Psychologists.
- Family Court specialist report writers.
- Family Court judges.

Reminder emails were sent to many potential participants via their organisations or professional bodies when the survey was near to closing.

## Data Collection

The online survey was administered through a dedicated study website and was open for four weeks in 2023 from 25 September until 23 October. Participants were self-selected and opted to complete the survey after receiving information about the study. They either clicked on a link to the survey that was embedded in their email invitation or accessed the survey directly via the study website. After accessing the survey, participants were asked a screening question to ensure they met the criteria of being New Zealand family justice professionals or practitioners with experience of working with parents/caregivers and/or children after parental separation, in relation to children's post-separation care and contact arrangements.

Participants who met the inclusion criteria were provided with an Information Sheet about the study (see Appendix A) and a Consent Form (see Appendix B), which could be read online and/or downloaded. Once participants indicated they had read the Information Sheet and the Consent Form, and had agreed to take part, they were given instructions on how to complete the survey. The participants could elect to complete the survey anonymously or provide their email address in order to be sent a summary of the study findings and to enable them to access their survey should they not complete it in one sitting.

The survey content and questions were informed by the issues and themes that emerged from the literature review and key stakeholder consultations, with input from the three project advisors. Two researchers who have also conducted similar projects in Canada (Professor Rachel Birnbaum, King's University College at Western and Professor Michael Saini, University of Toronto) also very helpfully provided their survey questions.

The survey (see Appendix C) included both quantitative questions, such as rating scales and checkboxes, and open-ended qualitative questions. It asked respondents about the following topics:

- Their current role(s) within the Aotearoa New Zealand family justice sector.
- Their familiarity with virtual communication.
- The use of virtual contact by the families/whānau they worked with.
- The opportunities, benefits or strengths of virtual contact.
- The challenges, drawbacks or risks of virtual contact.
- Barriers to the use of virtual contact.
- Cultural and other considerations relating to virtual contact.
- Children's ages and virtual contact.
- Advice they would share with parents/caregivers and children about using virtual contact.
- Their views in general about virtual contact and the helpfulness of information, resources or guides for families/whānau and family justice professionals.
- Demographic information.

Participants were able to skip any question they did not wish to answer. The survey took around 20 minutes to complete and did not need to be completed in one sitting. If they had provided their email address, those respondents who started, but did not complete, the

survey were sent a reminder email with a link to their partially completed survey one day and 10 days after they began it. They could then resume where they left off. Twenty-eight respondents began the survey, but did not complete it, and their partial data has not been included in the dataset.

## Participants

The online survey was completed by 134 family justice professionals. Table 5 details the profile of the survey respondents. Almost half (49%) were legal or judicial professionals, with the next largest group being those professionals involved in Family Dispute Resolution, as a mediator and/or Child's Voice Practitioners/Child Inclusion Specialists/Voice of Child Specialists (23%). (Nine respondents (7%) were both family lawyers and FDR mediators). Family Court specialist report writers and counsellors made up 13% of the respondents. The majority of the participants were female (80%) and NZ European/Pākehā (84%), with 16% and 5% identifying as Māori or Pasifika respectively. The family justice professionals worked across all 16 regions of New Zealand, with the majority practicing in Canterbury (18%), Wellington (16%), Auckland (14%) and Waikato (13%).

**Table 5: Survey respondent profile**

	<i>n</i>	%
<b>Current role with NZ family justice sector [multiple selection possible]</b>		
Lawyer providing advice/representing parties	52	38.8%
Lawyer for the Child	31	23.1%
Mediator (Family Dispute Resolution provider and/or private practice)	27	20.1%
Supervised contact provider/supervisor	16	11.9%
Child’s Voice Practitioner/Child Inclusion Specialist/Voice of Child Specialist <sup>7</sup>	15	11.2%
Counsellor/therapist	15	11.2%
Family Court counsellor	12	9.0%
Family Court judge	11	8.2%
Parenting Through Separation provider/facilitator	8	6.0%
Kaiārahi – Family Court navigator	8	6.0%
Community Law Centre staff member or volunteer	7	5.2%
Social worker	7	5.2%
Specialist report writer	6	4.5%
Psychologist	6	4.5%
Other	3	2.2%
<b>Gender</b>		
Female	107	79.9%
Male	26	19.4%
Gender diverse	1	0.7%
<b>Ethnicity [multiple selection possible]</b>		
NZ European/Pākehā	113	84.3%
Māori	21	15.7%
Pacific Peoples <sup>8</sup>	6	4.5%
Asian	0	0.0%
Other	13	9.7%
<b>Work region [multiple selection possible]</b>		
Northland	12	9.0%
Auckland	19	14.2%
Waikato	18	13.4%
Bay of Plenty	13	9.7%
Gisborne	3	2.2%
Taranaki	13	9.7%
Hawke’s Bay	16	11.9%
Manawatū-Whanganui	14	10.4%
Wellington	21	15.7%
Tasman	4	3.0%
Nelson	7	5.2%
Marlborough	6	4.5%
West Coast	2	1.5%
Canterbury	24	17.9
Otago	11	8.2%
Southland	5	3.7%

<sup>7</sup> Please note, for ease of reporting these roles will be referred to collectively as a ‘Child’s Voice Specialist’ throughout the remainder of the report.

<sup>8</sup> ‘Pacific Peoples’ grouping includes Samoan, Cook Island Māori, Tongan, and Niuean.

## Limitations of the Survey Method

As with any survey approach, there are some limitations associated with the online survey methods used for this research. These should be taken into account when interpreting the findings.

The group of survey respondents were self-selected and is therefore not a representative sample of family justice professionals in New Zealand. Rather the intention was to ensure a diverse range of professionals working in the family justice sector. While attempts were made to ensure all relevant professionals were notified about the study and invited to complete the survey, whether a lack of participation was due not being aware of the study or a decision not to participate is unknown.

The participants were self-selecting and primarily recruited via professional bodies, with some professionals easier to reach than others. These methods create the potential for response bias – whereby different population sub-groups participate at different rates. This is a limitation of all surveys that are voluntary in nature. However, while proportions of each family justice professional vary, all of the relevant family justice professionals did participate.

As the study was an opt-in process and was anonymous, unless people provided their contact details, it was possible that people who did not meet the criteria could complete the survey and for respondents to complete the survey more than once. However, given the recruitment methods this was unlikely.

## Reading Figures and Quotes Within This Report

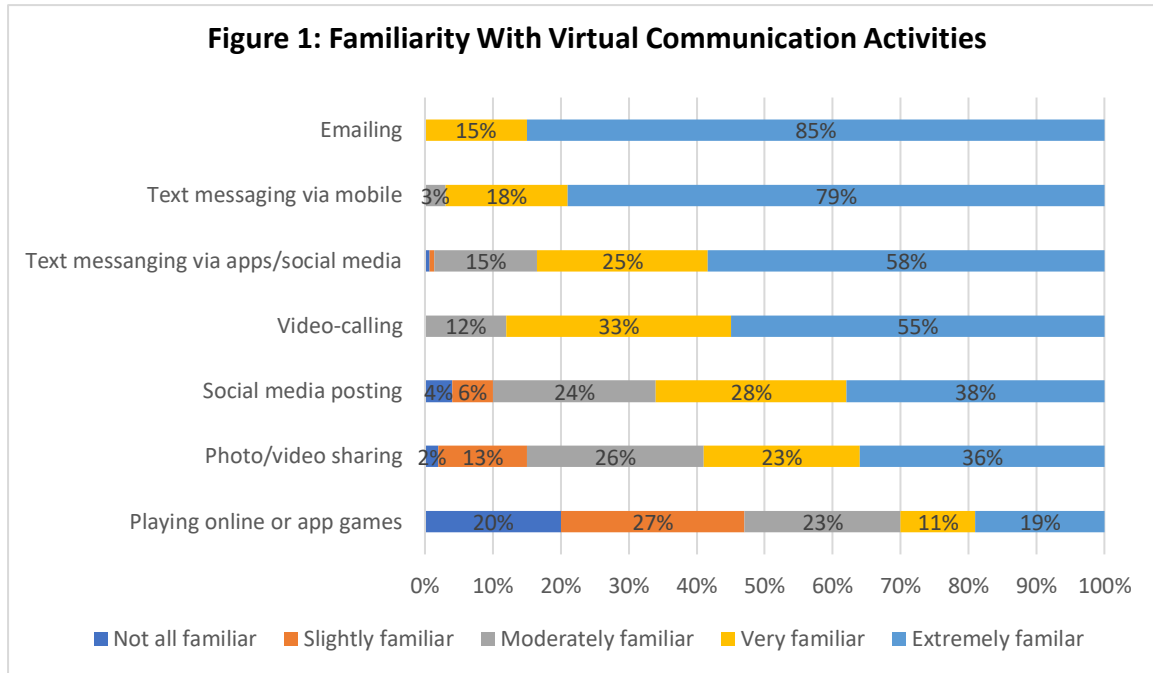
Please note that reported percentages are rounded to one decimal place. When the proportions from various response categories for questions allowing a single response are added together the total may come to slightly more, or slightly less, than 100% due to rounding. When participants chose to skip a question the reported percentages are calculated as a proportion of those who answered the question, not as a proportion of the total number of respondents. Where this occurs, this will be noted.

Extracts from participants' written survey comments have been edited slightly for ease of reading, standardise terminology formats, or to correct or typing, punctuation or spelling errors. To preserve participants' anonymity some details may also have been modified without changing the meaning.

## Findings

### Family Justice Professionals' Familiarity with Virtual Contact

The survey asked respondents about their experience with virtual contact, including their own familiarity with virtual communication activities used for virtual contact (see Figure 1).

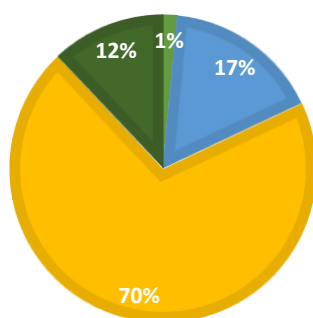


As shown in Figure 1, the professionals were most familiar with emailing and text/SMS messaging via mobile phone, with all or nearly all being 'very' or 'extremely' familiar with these activities. The majority were also 'very' or 'extremely' familiar with text messaging via apps or social media (e.g., Facebook Messenger, Snapchat, WhatsApp and Viber) (83%) and video calling (e.g., via Zoom, Skype, FaceTime, Snapchat, WhatsApp) (88%). The professionals were also familiar with social media posting (e.g., Facebook, Twitter/X) and sharing photos or videos via apps such as TikTok, Instagram, Snapchat and WhatsApp), with 66% and 59% reporting being 'very' or 'extremely' familiar with these activities. They were less acquainted with gaming, with nearly half (47%) reporting being 'not at all' or only 'slightly' familiar with playing online or app games.

The survey also asked professionals whether they had noticed any change in the last five years in the use of parent-child contact after parental separation (see Figure 2). The majority (70%) reported an increase in the use of virtual contact, with 17% thinking it had stayed the same. Only a very small proportion (1%) thought it had decreased, and 12% were not sure.

**Figure 2: Change over the last 5 years in the use of virtual parent-child contact after parental separation**

■ Decreased ■ Stayed the same ■ Increased ■ Don't know/Not sure



The professionals were also asked about how often they provided advice or discussed virtual contact with the families/whānau they worked with and how confident they felt about doing this, as well as questions about the use of virtual contact amongst these families. They were familiar with virtual contact in their professional lives. Almost all (93%) the participants 'sometimes' or 'often' advised the family members they worked with about virtual contact, with over half (55%) doing so 'often' (see Table 6).

**Table 6: In your role(s), how often do you provide advice about or discuss virtual contact with the family/whānau members you work with?**

	<i>n</i>	%
Never	3	2.2%
Rarely	7	5.2%
Sometimes	50	37.3%
Often	74	55.2%
<b>Total</b>	<b>134</b>	<b>100%</b>

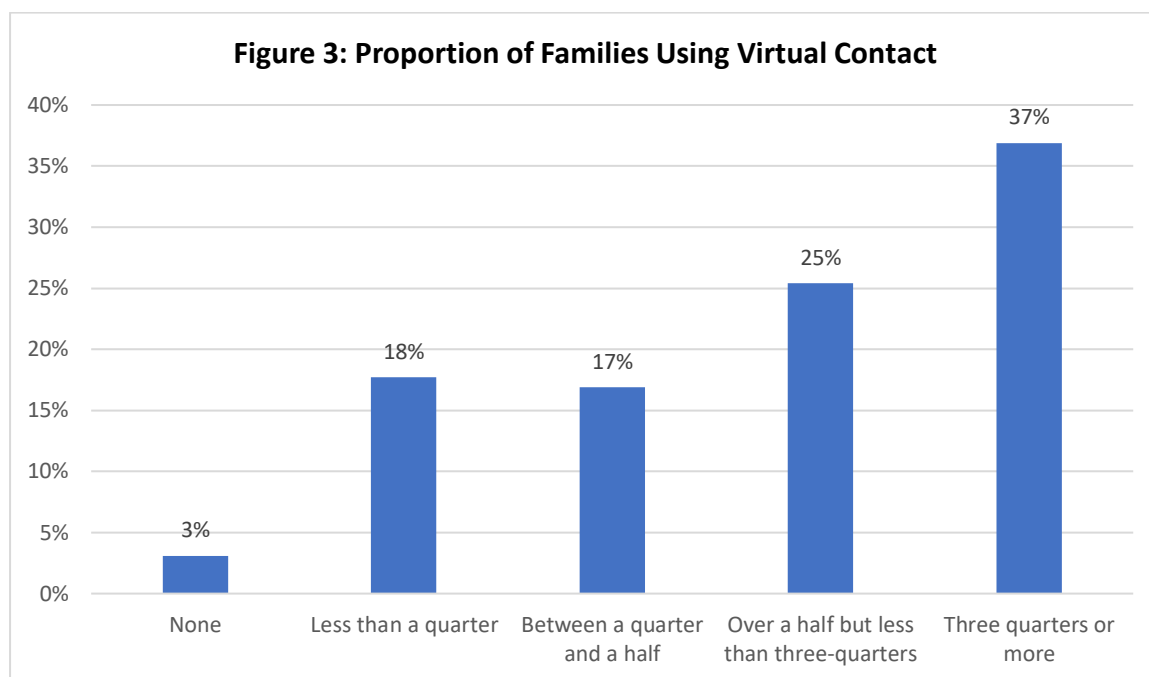
Sixty per cent felt 'very' or 'extremely' confident providing such advice, with only a small proportion (5%) feeling 'not at all' or only 'slightly confident' (see Table 7). Additionally, all the Family Court judges who participated, included provisions for virtual contact in parenting orders that they made 'sometimes' (60%) or 'often' (40%).

**Table 7: In your role(s), how confident do you feel about advising the family/whānau members you work with about virtual contact?**

	<i>n</i>	%
Not at all confident	2	1.5%
Slightly confident	5	3.8%
Moderately confident	46	34.8%
Very confident	57	43.2%
Extremely confident	22	16.7%
<b>Total</b>	<b>132</b>	<b>100%</b>

N.B. Two participants skipped this question, hence N=132.

Nearly all (97%) the family justice professionals surveyed could estimate the proportion of families/whānau who they worked with who had some form of parent-child virtual contact. Of those who could provide an answer, only 3% reported that none of the families they worked with used virtual contact (see Figure 3). Nearly two-thirds (62%) of the professionals reported that more than half the families they worked with used some form of virtual contact and over a third (37%) estimated that three-quarters or more did.



Those participants who reported that the families/whānau they worked with used some form of virtual contact, even if they could not estimate a proportion, ( $n=130$ ) were asked to select from a list what communication modes and activities these families used to have virtual contact (see Table 8), presented from most commonly reported to least.

**Table 8: What communication modes/activities do these families/whānau use for parent-child virtual contact?**

	<i>n</i>	%
Video-calling (e.g., via Zoom, Skype, FaceTime, Snapchat, WhatsApp)	125	96.2%
Phone calls (via mobile phone or landline)	124	95.4%
Texting/SMS messaging via mobile phone	109	83.8%
Text messaging via apps or social media (e.g., Facebook Messenger, Snapchat, WhatsApp)	103	79.2%
Sharing photos and/or videos via apps (e.g., TikTok, Instagram, Snapchat, WhatsApp)	69	53.1%
Social media posting (e.g., via Facebook, Twitter/X)	48	36.9%
Emailing	43	33.1%
Playing online or app games	36	27.7%
Other	2	1.5%
Don't know/Not sure	1	0.8%



As shown in Table 8, the most common modes of communication professionals reported families used for virtual contact were video calling (96%), phone calls (95%), and text messaging, either by mobile phone (84%) or via social media (79%).

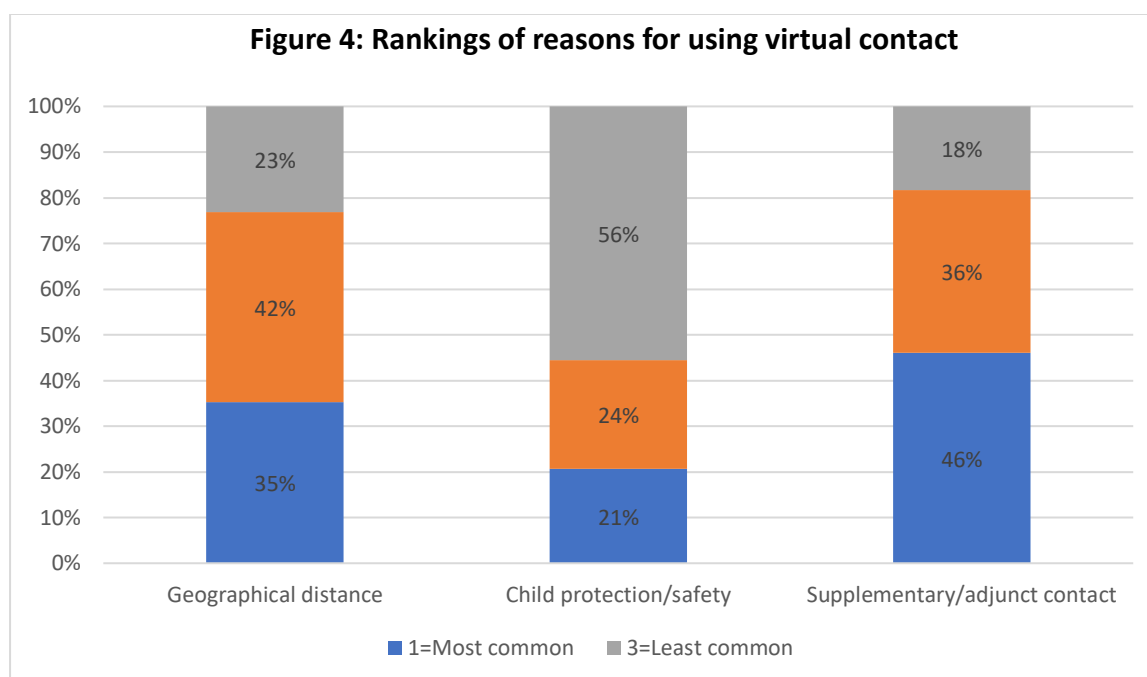
The professionals were next asked to rank how common the following the reasons for using virtual contact were amongst the families/whānau they worked with, from 1=most common to 2=least common:

- Face-to-face contact is not possible or frequent due to **geographical distance**.
- Face-to-face contact is not possible due to **child protection or safety concerns**.
- To maintain contact between regular face-to-face visits (supplementary or adjunct contact).

**Table 9: Rankings of reasons for using virtual contact**

	1	2	3	Total
Geographical distance (n=125)	35.2%	41.6%	23.2%	100%
Child protection or safety concerns (n=126)	20.6%	23.8%	55.6%	100%
Supplementary or adjunct contact (n=126)	46.0%	35.7%	18.3%	100%

Table 9 and Figure 4 show the percentages of those professionals giving each ranking for the reasons the families/whānau used virtual contact (note, one only ranked two reasons). As shown, for those ranking supplementary or adjunct contact to maintain contact between direct contact, almost half (46%) rated this as the most common reason. In contrast, only a fifth (21%) and a little over a third (35%) rated child protection/safety concerns and geographical distance respectively as the most common reason.



Three-quarters of the family justice professionals reported that children having virtual contact with parents occurred in situations other than parental separation (see Table 10), mainly in relation to children having supervised contact with a parent (66%) or children in out-of-home

care (50%). Other situations included when children were at boarding school or lived away from parents for other reasons (e.g., sporting, cultural or medical reasons) or when parents were travelling, or in prison or a residential programme.

**Table 10: In your work with families/whānau, in what other contexts do children have virtual contact with parents besides parental separation?**

	<i>n</i>	%
Supervised contact	88	65.7%
Children in care	67	50.0%
Adoption	2	1.5%
Other	10	7.5%
None of the above	33	24.6%

## Opportunities and Benefits of Parent-Child Virtual Contact

Survey respondents were asked about their views on the opportunities, benefits or strengths (if any) of virtual contact. First, they detailed their unprompted views in an open-ended text box question. Almost all (93%) of the professionals provided at least one benefit or strength. A small number thought that any **benefits of virtual contact were dependent** upon variables such as the age and maturity of the child, the relationship between the parents, and the resident parent’s willingness to support and facilitate the contact.

*Do not see any benefit for parent-child virtual contact unless parents can behave. (136, Supervised contact provider)*

*Depends on the age and maturity of the child. Also depends on how much the caregiving parent has to support and facilitate it. (163, Mediator)*

The most frequently mentioned benefits are detailed below and included: maintaining relationships and connections; allowing frequent everyday contact, protecting children’s safety; benefits to child and parent well-being; ease of contact; and maintaining children’s cultural identities.

### Maintenance of Relationships and Connections

The most common response, made by 80% of these professionals, related to virtual contact providing the **opportunity to maintain relationships and connections and enabling parent-child contact** after parental separation. Within these responses, two different scenarios emerged for when virtual contact was beneficial – (1) as an adjunct to regular direct contact; and (2) when direct face-to-face contact was not possible or frequent.

#### ***A supplement to regular direct contact***

First, participants noted that it was useful in situations where parent-child relationships were already established and regular face-to-face contact was already occurring. Virtual contact,

then, was useful to **supplement direct contact** and could act as “a bridge between face-to-face contacts”, ensuring children and parents remain connected.

*It can significantly increase the frequency of contact, which is particularly important for younger children for whom long gaps between face-to-face contact can feel VERY long. It helps parents feel much more connected and involved in their child’s life. It supports and maintains (to a degree) good relationships which already exist. (201, Lawyer, Lawyer for the Child)*

*It’s a great way to stay in contact outside of the usual care routine. Especially in the every second-weekend situations. (168, Mediator)*

*That it has potential for maintaining a connection between parents and children, that it can supplement face-to-face contact (particularly when this is not limited). (194, Specialist report writer, Psychologist)*

*Most important is supplementing face-to face-contact to strengthen the relationship and help children to feel connected. (182, Family Court judge)*

#### **When direct contact was not possible or frequent**

Second, virtual contact was also seen as **beneficial in situations where face-to-face contact was not possible or frequent** due to geographical distance or other reasons, such as safety, “odd work hours”, when parents could not travel for face-to-face contact to occur, or there was a large gap between direct contact. Virtual contact could be used to maintain parent-child relationships between infrequent or inconsistent physical visits and reassure children of their parent’s love.

*If children cannot see their parent face to face regularly it can be really beneficial to see them virtually, so they know they are still there/maintain their relationship. (209, Social worker, Parenting Through Separation provider)*

*It can assist maintaining a relationship between a parent and child, particularly if physical contact cannot take place consistently or often. Even if the video call is for a short period of time, I believe it is helpful to the children. (161, Lawyer)*

*It increases the frequency of contact where there are safety issues or geographical distance and can reassure the child that their parent loves them and wants to see them. (64, Lawyer)*

*Enables regular and consistent contact where in-person is not possible. Spans geographical areas, both nationally and internationally. ... Enables hard to reach clients to have [supervised] contact i.e., rural clients not in main centres, clients with disabilities that prevent them from travelling. Is an option where pandemics might prevent people from travelling (i.e., COVID). (67, Specialist report writer, Supervised contact provider)*

*Maintaining relationships during what can be extended period of limited or no parental contact. (173, Lawyer)*

Virtual contact was also seen as helpful in enabling a safe and graduated approach **in cases of resist-refuse or when contact needed to be (re)established or rebuilt.**

*When there are high levels of conflict/resist-refuse dynamics/refusal to interact directly, this allows at least, some avenue of contact and engagement. (167, Family Court counsellor, Social worker)*

*If children are reluctant to see parent as haven't for a long time or they have disclosed information about parent, they find this the safest way to make initial contact. (71, Supervised contact provider)*

*Building up connection and contact when there has been a time lapse in contact. Build some safe contact when there has been harm from the parent. (144, Mediator)*

*Enables, in some cases, a gradual approach to start contact later moving to in-person which is useful where a parent has not had much contact with the child over a period of time. (67, Specialist report writer, Supervised contact provider)*

It was noted that while virtual contact **could not replace face-to-face contact**, it was “better than nothing”.

*It provides some opportunity for there to be a relationship. I consider it to be a placeholder for a genuine relationship and it is usually better than no contact. (91, Psychologist)*

*This is not ideal but if face-to-face contact is not possible, then virtual contact keeps the relationship valued and continuing. (139, Counsellor/therapist)*

*It does not match physical contact but can provide an opportunity to maintain in circumstances face to face cannot occur. (73, Lawyer)*

*Supports limited, but better than nothing, attachment building. (212, Mediator, Counsellor/therapist, Family Court counsellor, Child's Voice Specialist)*

### **Allows Frequent, More Naturalistic, Everyday Contact**

Virtual contact was also seen as helpful in allowing more **frequent and 'day-to-day' parent-child communication** between contact visits, with parents and children being able to share both important events and news in their lives. In this way parents can be kept updated about their child and their special achievements. Virtual contact also allowed everyday, more informal and naturalistic check-ins in a manner similar to how parents and children might communicate prior to the separation.

*If Dad does rowing and his daughter does too and is wanting some advice or to talk about her practice etc., it allows for that organic exchange to take place like they are there, in the moment, in real time. (Kaiarahi – Family Court Navigator)*

*Allows short and structured opportunities for the parent to show the child they want to be involved. Permits the parent to be provided with updates about the child on a regular basis e.g., drawings, reports and pictures. (106, Family Court judge)*

*It keeps parents in children's lives in a more frequent manner, some parents like to 'see' their children every day like they used to before the split up. (217, Mediator, Supervised contact provider)*

*It allows children to share more of their day-to-day lives with non-resident parents, special moments can be celebrated. (122, Specialist report writer)*

*Allows parent to be a part of the child's developmental achievements and interests. 92, Kaiarahi – Family Court Navigator)*

*Easy connectivity allows frequent, if brief, checking in. (150, Family Court judge)*

### **Protection of Children's Safety**

The use of virtual contact was also seen as a way to reduce risks to children's physical safety and shield them from parental conflict. **Children's safety could be protected** by the more controlled nature of virtual contact and it also allowed contact to be observed and monitored if necessary.

*Child can leave call whenever overwhelmed without incident. Supervisor can end or mute calls if contact guidelines are being breached without incident. (101, Supervised contact provider)*

*It can be more controlled in a safety situation. (118, Role unspecified)*

*Allows some monitoring of communication if this is required. (183, Lawyer, Lawyer for the Child)*

*If parents are in high conflict, a moderator can record contact. (150, Family Court judge)*

Some professionals noted that one of the benefits of virtual contact was that it **provided opportunities for contact, independent of the other parent** and therefore not requiring their facilitation. This could be due to safety concerns, or situations involving parental obstruction of contact.

*Where safety may be in question, child can contact the safer parent independently of the current caregiver's knowledge. It provides a more natural amount of communication with each parent (maybe daily) without a parent blocking it or making*

*it difficult.* (131, Counsellor, Child's Voice Specialist, Parenting Through Separation provider)

### **Beneficial to Child and Parent Well-being**

Benefits of virtual contact related to both **parent and child mental and emotional well-being** were also identified. When parents cannot have frequent direct contact, virtual contact was regarded as a way of signalling to children their importance, thereby boosting their self-esteem and reducing grief and worries about the separation and their relationship. Virtual contact could also be "less intense for both children and distressed parents" (90, Family Court counsellor, Counsellor/therapist, Psychologist).

*It supports the child/ren to not be so affected by grief and often alleviates fears and worries they have in regard to the parent's absence when there are gaps or loss of contact with the parent because of domestic violence, mental health or other issues. It enables the child to have contact with the parent and not have compounded trauma especially if they have experienced or heard talk about any incident or when the parent is too unwell to have access in person. If there is a gap in face-to-face contact or a court delay, it is a tool that supports the child/ren's mental health, but face-to-face contact is much better.* (117, Counsellor/therapist, Supervised contact provider)

*Helps with parent and or child anxiety and worry about their connection to each other.* (92, Kaiarahi – Family Court Navigator)

*The maintenance of the parent-child relationship and the reinforcement of the child's sense of self-worth; and the importance and value of the child to the parent(s).* (208, Lawyer, Lawyer for the Child)

*Ensures that the child has security in the other parent being available to them and to be able to share their day/achievements, etc. with them. Decreasing the effects of the separation on them.* (87, Mediator, Child's Voice Specialist)

*Children are easily able to check in with the other parent when they are not in their care. This can help if they are missing the other parent and maintain the relationship while separated. Younger children struggle with object permanence so having that contact in between visits is reassuring for children that the other parent still exists and cares about them.* (119, Child's Voice Specialist, Parenting Through Separation provider)

*Vital to maintain connection. A few days is a long time for a child. Having the opportunity to share about their day with both parents (as long as that parent can have safe conversations) then this benefits the relationship and the child's self-esteem.* (76, Social worker)

Virtual contact was also seen as potentially beneficial by **promoting a positive co-parenting relationship and demonstrating this to the child.**

*Showing cohesiveness between the parents with allowing the interaction to occur. (87, Mediator, Child's Voice Specialist)*

*Showing the child that they are allowed to have contact with the other parent. That both parents are showing both relationships with parents are important. The parents are demonstrating support of these relationships. (123, Psychologist)*

*This helps to support the separated co-parenting relationship. (212, Mediator, Counsellor/therapist, Family Court counsellor, Child's Voice Specialist)*

*It helps the parents cooperate (especially if the children are young and rely on the parent to facilitate this contact). (148, Lawyer, Lawyer for the Child)*

### **Ease of Contact**

The **flexibility, cost effectiveness, ease, fun and convenience** of virtual contact were all viewed as strengths. There was also an acknowledgement that children were used to digital technology and communicating in this way was familiar to them. It allowed brief contact that was "instant, private, frequent" (207, Mediator).

*Some forms of virtual contact allow for fun and brief ways for children and parents to stay in touch. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Is quick and easy to facilitate. Is cost effective option compared to in-person supervised contact. (67, Specialist report writer, Supervised contact provider)*

*Frequency and ease of contact. (106, Family Court judge)*

*Less cost; ease of access for either child or parent. (218, Lawyer, Mediator, Child's Voice Specialist)*

*Children are used to the technology. It can be non-threatening and fun. It requires minimal effort. (129, Mediator, Child's Voice Specialist, Parenting Through Separation provider)*

*Easy to use, inexpensive, can be done from anywhere, high quality with current technology. (120, Lawyer, Community Law)*

*It can be flexible in terms of times and days and other whānau can contribute to contact in this way. (194, Specialist report writer, Psychologist)*

*It is reflective of how children and young people communicate and engage with others. (61, Lawyer)*

*Method of contact that is more comfortable for young people. (141, Family Court counsellor, Counsellor/therapist)*

Being able to see an absent parent through the use of video calling was another benefit identified. Having a **visual connection** and seeing a parent's face, not just hearing their voice, was regarded as important to engage, particularly young, children, and to help with attachment.

*Maintains connection, child can see parent, attachment via voice and facial expression. (120, Lawyer, Community Law)*

*Video contact really helps with engaging with younger children. (191, Lawyer, Lawyer for the Child)*

*Very valuable for younger children to see parent's face even if the conversation is minimal. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*The child still gets to see their parent's face and hear voice. Good for attachment. Also the child can show parent round their room via video call, etc. Keeps younger children more engaged – video call – rather than just voice/phone. (131, Counsellor, Child's Voice Specialist, Parenting Through Separation provider)*

*With video calling, children can show school work, read stories together, watch a movie with a parent. It allows a child to play a game online with a parent, etc. (122, Specialist report writer)*

A benefit for older children who had their own digital devices was that virtual contact allowed them to easily **contact their other parent independently** and have more control over when and how they had virtual contact.

*It gets easier for children once they have their own device and can independently contact the other parent without engaging with their resident parent. (181, Lawyer, Lawyer for the Child)*

*Depending on age of the child, the contact may be more or less likely to be required by the carer parent. When children are of an age to be more independent, with their own devices, it may be more voluntary on the part of the child. (171, Mediator)*

*For older children, having some control over parental contact. (140, Family Court counsellor)*

*An older child can communicate with the parent whenever they want to. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*As children grow older, the scale and scope of the media used for contact, and for information sharing, for fun and for relationship increases in my experience. (109, Mediator, Counsellor/therapist, Family Court Counsellor, Child's Voice Specialist)*



## Maintenance of Children’s Cultural Identity and Extended Family Connections

A small number of family justice professionals identified the use of virtual contact as a means **to ensure children’s cultural identity and extended family connections were maintained**. Maintaining relationships with whānau members other than parents was also seen as possible with virtual contact. Virtual contact was also seen as helpful in maintaining children’s cultural identity and language in situations involving transnational families and international relocation.

*The children have interactions with whānau. Also they can learn their whakapapa. (98, Kaiarahi – Family Court Navigator)*

*For some bi-lingual children it provides opportunity to use language skills, particularly in international relocation situations. (122, Specialist report writer)*

*Encourages families to keep the children’s cultural connections. (100, Social Worker, Parenting Through Separation provider)*

*Other whānau can contribute to contact in this way. (194, Specialist report writer, Psychologist)*

After asking for participants’ unprompted views on the strengths or benefits of virtual contact, they were then presented with a list of 13 opportunities or benefits of virtual contact identified in the literature review and through the key stakeholder consultations, and asked to select the five that they thought were the *most important*. Table 11 presents the percentage of participants who selected each opportunity or benefit. All the participants ( $n=134$ ) selected at least one, indicating they all could see some positive opportunities afforded by virtual contact.

**Table 11: The following are some of the opportunities or benefits that virtual contact can provide. Please select the five that you think are the most important.**

	<i>n</i>	%
Maintaining a parental presence in children’s lives when geographically apart	121	90.3%
Maintaining and/or strengthening parent-child relationships	93	69.4%
Enabling parents and children to stay connected in real time	84	62.7%
Compensating for limited direct face-to-face contact	74	55.2%
Enabling parent-child contact to occur independently of the other parent	53	39.6%
Enabling contact between children and other family/whānau, such as extended family members and/or siblings	52	38.8%
Ensuring children’s safety in cases of family violence or high conflict	51	38.1%
Enabling everyday parenting, e.g., helping with homework, reading bedtime stories	33	24.6%
Enabling everyday informal contact	30	22.4%
Helping parents to remain informed about their children while at the other parent’s home	20	14.9%
Protecting children from interparental conflict	14	10.4%
Facilitating children’s involvement in their other parent’s household	14	10.4%
Enabling relocations to proceed	9	6.7%
None of the above	0	0.0%

As shown in Table 11, the large majority (90%) saw the one of the most important benefits of virtual contact as its role in maintaining a parental presence in children’s lives when separated by geographical distance. Similarly, nearly 7 in 10 participants (69%) thought it was important in maintaining or strengthening parent-child relationships, and nearly a third (63%) saw virtual contact as important in enabling children and parents to stay connected in real time. Just over a half (55%) thought virtual contact was important in compensating for limited face-to-face contact. Around 40% of the professionals thought it was important to enable contact to happen independently of the other parent (40%), and involve other whānau members (39%), or to ensure children’s safety in cases of high family violence or high parental conflict (38%).

### Challenges, Drawbacks and Risks of Parent-Child Virtual Contact

Participants detailed their views about any **challenges, drawbacks or risks of parent-child virtual contact after parental separation** in an open-text box. Most (96%,  $n=129$ ) of the participants provided a response, with just two professionals explicitly noting that they did not see any challenges or risks. These responses have been added to those from 62% of the respondents who answered an additional question that asked participants if they were aware of any **particular challenges or issues with virtual contact experienced or reported by children**. The challenges detailed most commonly related to parental behaviours or attitudes,

yet the impact of these was often on the children. As one professional, a lawyer, Lawyer for the Child and mediator noted: “It is never the children, it is always the parent”.

### **Difficulties Engaging with Children via Technology**

Difficulties with engaging with children and children’s uninterest or reluctance in participating in virtual contact was challenge commonly mentioned. Younger, neurodiverse and disabled children in particular were thought to find it difficult to engage and communicate via digital technology. Participants made comments about children having limited or short attention spans, difficulties with engaging and focusing for long periods, and complaining of virtual contact being “too long”. The professionals also reported that children could find it “boring”, that “they don’t know what to say” and had “nothing to talk about”, with some children preferring direct contact. It was noted that younger children in particular could struggle with verbal conversations. Others reported children did not want to interrupt what they were doing to participate in virtual contact.

*Big issue is when a child doesn’t want to speak – “Your child loves you, but doesn’t want to talk about their day” is how I describe it. It often works better when the child initiates the call, therefore they are “in the mood” to talk. (165, Mediator)*

*Young children have short attention span. Happy with frequent but fleeting contact. (129, Mediator, Child’s Voice Specialist, Parenting Through Separation provider)*

*Not the same as seeing the parent, can be “boring”, don’t want to speak, have other things to do, hard to focus. (63, Lawyer, Lawyer for the Child)*

*Many children (and adults) don’t like communicating virtually, thus conversations are often brief and dull. (111, Supervised contact provider)*

*Child not wanting to get off gaming or social media to receive a virtual connection. (92, Family Court judge)*

*When children are young, what they can talk about is limited and they lose focus easily. (142, Lawyer)*

*Age dependent, sometimes kids are tired, not engaging, not the same as being together, limited attention span, highlights the fact the parent and child are not together. (65, Lawyer)*

*Children can find it hard to focus on video calls. It is not the same as having a person physically in the same room; therefore, at times they can appear disinterested and the contact can be disjointed. (161, Lawyer)*

Finding virtual contact boring or tiring could run the **risk of children losing interest** in having contact with a parent. A child’s lack of engagement or interest could also lead to parents similarly losing interest in having contact virtually.

*Over time children get tired of it unless a parent is really skilled. Doesn't work for very young children. (91, Psychologist)*

*Tamariki have told us they find it boring and often want the contact to end before the allocated time. (77, Supervised contact provider)*

*With small children, they can become easily bored and lose focus and want to give up.. (64, Lawyer)*

*Risk tamariki become easily distracted by others in close proximity or lose interest in virtual contact over a period of time. Risk of both parent and tamariki losing interest in meaningful communication. (74, Lawyer for the Child)*

*If children are young, this can make it tricky for the parent doing the contact to feel like it's worthwhile. If it's tried a couple of times that the child is not that interested, then this reduces the likelihood of it happening again in an ongoing way. (144, Mediator)*

For some children, a **reluctance to participate could be due to apprehension or fear, a poor relationship with their contact parent**, or when they were caught in a loyalty bind, or influenced by their one or both of their parents.

*Some have had limited contact with the parent and literally have no relationship with the strange person, therefore do not engage. Some worry about what the parent is saying to them when the contact is unsupervised. (128, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*Children don't want to talk to the other parent as the custodial parent has filled the child up with adult conversation about them. Hesitant to enjoy virtual contact as the other parent is there and children are conflicted as they love both parents. (136, Supervised contact provider)*

*Child's apprehension due to negative influences by other parent or carer. (215, Supervised contact provider)*

*Child has not wanted to speak to a parent because of the other parent who the child lives with, influence on the child. (85, Kaiārahi – Family Court Navigator)*

*Unable to freely communicate without parental oversight/manipulation. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Child influenced by [day-to-day] parent to say little. (71, Supervised contact provider)*

A **parental lack of skill** with technology or engaging with children virtually and/or **not engaging at the child's developmental level and being child centred** was also thought to make virtual contact challenging.

*It can be more challenging for adult participants to consider things they can do to make the visit more child focused and fun. (67, Specialist report writer, Supervised contact provider)*

*Some parents are not very skilled at engaging with children on real-time media and do not prepare properly or engage successfully with where the child is at. (64, Lawyer)*

*Difficult conversation above the child's head or understanding, hence pressure and reluctance to speak. (215, Supervised contact provider)*

*Parents not familiar with age stage of children and unable to engage the child. (71, Supervised contact provider)*

*Requires more effort/determination/imagination from participants to make the virtual contact meaningful, child focused, and sufficient to hold the attention of a variety of ages of children. (67, Specialist report writer, Supervised contact provider)*

*Challenges are that parent needs to be comfortable and confident using it – usually child is streets ahead of the parent. (133, Lawyer, Mediator, Child's Voice Specialist)*

*Upset at parent they are having the Zoom with talks about themselves or others and isn't child centred play or conversation. (117, Counsellor/therapist, Supervised contact provider)*

### **Unrealistic Parental Expectations**

Professionals also noted that **parents could have unrealistic expectations** about virtual contact and their child's ability to engage and remain focused. Sometimes these could result from a **lack of parental understanding or misinterpretation** of normal child behaviour. Some participants thought that a parent's expectations about virtual contact and their desire for lengthy and/or frequent contact could be more about meeting their own needs and not those of their children.

*Parents often want to spend longer on the phone, etc. than the child. (149, Family Court judge)*

*Contact is sometimes sought more to meet a parent's needs, rather than the child's (wanting to stay in contact every day, for example, which the child may not be so concerned about). (183, Lawyer, Lawyer for the Child)*

*Kids don't want to talk as call is at an inconvenient time to them. Calling parent wants to talk too long and has unrealistic expectations about the quality of communication. (163, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*That parents' expectations are not developmentally appropriate and they expect very young children to be focused and engage in quite extended conversations. (122, Specialist report writer)*

*Not much changes in their lives on a day-to-day basis, yet they are expected to 'update' the other parent. This leads to awkwardness and decreasing frequency. (162, Family Court judge)*

*Parent trying to force too much contact when they are not interested. (191, Lawyer, Lawyer for the Child)*

*Parental expectations of engagement too high. ... Difficult for younger children to engage. Absent parent's expectations of engagement can be unrealistic. (152, Family Court judge)*

*Feeling always "on" for parents benefit and not their own. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

Having unrealistic expectations could result in a **parent reacting negatively** to a child's lack of engagement, which professionals saw as normal behaviour for children.

*Sometimes children's wandering attention is off-putting for a parent; by contrast, if the people were in the same space, it is easier to follow or respond to distraction. Distraction is normal for little kids. (150, Family Court judge)*

*That the parent gets upset when they run out of things to say or they get distracted by something in the background. (176, Lawyer, Lawyer for the Child)*

*The parent having the virtual contact with the child can find it hard to engage the child, and can end up feeling bad that child didn't want to talk to them at all or for long. Younger kids only want to play with the filters and won't actually talk! If the contact parent doesn't understand this is normal, it can cause negativity. (210, Lawyer, Lawyer for the Child)*

Parents could also have unrealistic expectations about their children's responsiveness to text-based messages. This could lead to **children feeling guilty** for not replying or to the other parent being blamed for their child's unresponsiveness, creating conflict.

*Negative reaction from parent because they have not responded straight away, etc. (to text or other messages – may not have access to phone or device at the time). Not knowing how to respond sometimes. (183, Lawyer, Lawyer for the Child)*

*Absent parent texts too often, too emotionally, sometimes says mean things, gets annoyed if they don't reply, blames other parent. (126, Lawyer, Lawyer for the Child, Mediator)*

*Anxious parents who keep contacting them and the young person then feels bad about replying. (122, Specialist report writer)*

*Older children reporting complaints from one parent about then not being polite enough in text messages, or not responding quickly enough. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Sometimes the parent contacts them at an inconvenient time. High expectations of parents for prompt responses from children. (61, Lawyer)*

*It can create pressure for older children/teenagers, when the adult has particular requirements about the tone and frequency of responses to virtual contact like texting expected from the child. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

Some professionals thought that parental expectations around virtual contact could put **pressure on children, and it could then become a chore and a burden**, and could create conflict between the parents.

*Some children really don't like lots of communication so can become a burden to the child. (186, Lawyer)*

*Expectations of parent can be too high and place a burden on children to engage more than is comfortable. (126, Lawyer, Lawyer for the Child, Mediator)*

*The child or parent feels pressured especially if the other parent's expectations start to feel like an intrusion into their home. (168, Mediator)*

*Some children feel coerced and manipulated to comply with expectations. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*If it occurs too frequently it can become a burden for everyone, but especially the child, which leads to the parent feeling disappointed and that there is something wrong when there probably isn't anything wrong. (162, Family Court judge)*

### **Need for Facilitation or Scaffolding**

The role of the **resident parent in needing to facilitate or scaffold the virtual contact**, particularly for younger children, was noted by the professionals. This could involve providing and setting up and paying for the necessary technology and devices, and for young children helping the child interact with their other parent. This could place pressure on the other parent and relied on their cooperation and willingness to facilitate the contact. As one participant (86), a specialist report writer, psychologist and Family Court counsellor noted, "Really, the resident parent needs to support such contact".

*It can place pressure on the caregiver to facilitate/monitor the contact. (153, Family Court judge)*

*Can require assistance from the primary parent to use devices with very young children. (201, Lawyer, Lawyer for the Child)*

*Reliant on custodial party following instructions that will set the child up for a positive interaction (for example, we recommend the children have a drink and snack for the virtual contact period, and that the custodial party helps the child choose some toys/activities/games they might like to do during the contact, or share any news they have). (67, Specialist report writer, Supervised contact provider)*

*Younger children are reliant on their parents to make it happen e.g., have credit or access to Wi-Fi. (84, Lawyer, Lawyer for the Child, Mediator)*

*Depending on the age and therefore independence of the child, the virtual contact may require the cooperation of the other parent, which may not always be provided. (171, Mediator)*

*For younger children the caring parent has to be involved and may need to provide encouragement – it can be very dependent on the parents getting on. (89, Counsellor/therapist, Parenting Through Separation provider)*

*Can require the participation by the other parent when the children are very young which requires a lot of aroha from the parent facilitating. (164, Lawyer for the Child, Mediator)*

This need for the resident parent to facilitate or arrange the contact could be problematic if they were not prepared to do so, or could be a **source of conflict** between parents, particularly in cases of **high conflict or family violence**.

*Often children are too young and need help from the caring parent. This can cause issues when the parents are in a high-conflict relationship. (142, Lawyer)*

*If a parent has to enable or “supervise” this can increase the conflict as each parent has their own perceptions of the issues. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*Can require assistance from the primary parent to use devices with very young children – a problem where there is high parental conflict, or Protection Orders in place. (201, Lawyer, Lawyer for the Child)*

*It can be problematic to arrange – i.e., a parent/child is unavailable when called, this can result in conflict between parents (e.g., a parent thinks the other is not answering on purpose). (165, Mediator)*

## **Parental Conflict**

In addition to the need for virtual contact to be facilitated being a potential source of conflict for some parents, the professionals also thought that it could provide “another forum for conflict”. Conflict between parents could arise in relation to disagreements over the use of virtual contact, perceived intrusiveness and disruptiveness of contact, and a child’s reluctance to participate being blamed on the other parent.



*Parents agreeing on what that contact looks like. Parents agreeing that it happens at both homes – sometimes a parent will refuse the contact if they have “less” time with the child. Things that are said or overheard can create conflict. Parents may insist on listening to the calls, or listen regardless. (87, Mediator, Child’s Voice Specialist)*

*Parents can extend high conflict and noncollaborative behaviours into this arena. In my opinion, it is dangerous to think of virtual contact as a safety plan of any kind. (109, Mediator, Child’s Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*In cases of conflict, this can prove disruptive, whether by occurring at inconvenient times, or requiring more frequent interaction than otherwise. (183, Lawyer, Lawyer for the Child)*

*Increases conflict between parents by providing an opportunity. Invites conflict – length of contact of call/contact, time of contact, interfering with caregiver household, snooping in other home through FaceTime/Zoom-type link, other parent monitoring unnecessarily, enforcing the call at unreasonable times, for unreasonable length, etc. (196, Lawyer, Lawyer for the Child)*

*If parental issues get in the way of the contact, used as an opportunity to continue the conflict. (216, Lawyer, Lawyer for the Child)*

*Patterns of contact set up can be intrusive and a point of contention, e.g., daily calls. Parental conflict can increase over the contact, frequency, timing, location. (122, Specialist report writer)*

*Where there is conflict between parents – exposure to conflict/can create conflict if child does not want to participate for example. (192, Lawyer, Lawyer for the Child)*

*Parents use child as a conduit for (at best) information, but often to perpetuate their conflict. Virtual contact only works where the relationship between the parents (even separated) works and the contact is organic rather than fixed. Strict rules can mitigate the difficulties inherent in this, but can also lead to more conflict due to a parent forgetting, a parent using it as an opportunity to criticise the other and, most often, a child not wanting to sit still for a conversation. I understand the drive for parents to want to see their children via virtual means but it is fraught and often leads to more conflict than it resolves. (185, Lawyer, Lawyer for the Child)*

The professionals also thought virtual contact could be **weaponised**, by both parents. First, through **interference by the resident parent**: listening in, monitoring or recording the contact, cutting it short, not having the child available, engaging in restrictive or obstructive gatekeeping, and undermining the other parent’s relationship with their child.

*Can be easy for a parent to make the children unavailable or unwilling to have these calls, despite agreement to do so. (183, Lawyer, Lawyer for the Child)*

*Other parent can listen, other parent has control over terminating, other parent can control child while contact is occurring. ... Other parent uses virtual contact as another means of coercive control i.e., not happening on time/cutting it short, other parent engages in conflict while virtual contact is occurring. (120, Lawyer, Community Law)*

*Parents staying in the room unseen listening for anything they can use against the parent and prompting children or the visiting party asking questions that are intrusive or aggressive toward the other parent. Parents choosing to end the sessions when the child and contact parent are not finished, upsetting the child/ren. Power and control games happening. (117, Counsellor/therapist, Supervised contact provider)*

*It can also very easily become part of the parental conflict. I have seen this by means of parents recording the virtual sessions for evidence, parents refusing to leave the room while the other parent is having virtual contact, being ever present in the background, imposing rules on that contact and shutting it down, denying the virtual contact or making changes because the virtual contact does not fit in with the home schedule and even parents directly arguing during what should be virtual contact. (194, Specialist report writer, Psychologist)*

*Interference by the caregiving parent, monitoring or interrupting or not facilitating the call. It can still provide an opportunity for one parent to disparage the other if not carefully controlled. (149, Family Court judge)*

*It can allow for subtle undermining of a child's care by the contact parent. ... It is easy for the caregiving parent to undermine – e.g., engaging the children in more enjoyable tasks. (153, Family Court judge)*

*It can be easily interfered with by the other parent or undermined "off screen". (179, Lawyer, Lawyer for the Child, Mediator)*

*Other parent listening in. Child not being available for calls at designated times. Other parent alleging that the child is busy doing something else. Parent/s being blocked by the other parent i.e., Facebook. (81, Kaiārahi – Family Court Navigator)*

*Virtual contact provides too much opportunity for one parent to interfere in the relationship between the child and the parent at the other end of the device. It is common for the custodial parent to remain out of shot while supervising the virtual contact. Virtual contact is better than no contact, but it suffers from not being real and may suffer from interference by the custodial parent. (206, Lawyer)*

*If the other parent is not supportive of the contact, it provides an opportunity for that parent to interfere or stymie the contact. (158, Lawyer, Lawyer for the Child)*

**Second, contact parents could similarly use virtual contact against the other parent** by using it to **monitor**, record, and **gather information**, **intrude** into other parent's life, undermine the other parent, and **continue to exert coercive control and abuse**.

*Can give an abusive parent a “window” into their ex’s home, providing opportunities for that parent to criticise or comment on her home/life. (210, Lawyer, Lawyer for the Child)*

*Can be weaponised – both ways e.g., used by contact parent to harass/monitor the other parent; used by care parent to undermine/helicopter parent. (151, Family Court judge)*

*That the communication is using by a non-residential parent to monitor the other parent and the child. (122, Specialist report writer)*

*Continued control over one parent where history of violence or power and control imbalances. (192, Lawyer, Lawyer for the Child)*

*Risks of virtual contact where there are safety (physical and sexual and psychological) issues from cases I have done are that the other parent having virtual contact can be sneaky and undermine the primary carer. (184, Lawyer, Lawyer for the Child)*

*Can be used as a form of control over the caregiving parent. (148, Lawyer, Lawyer for the Child)*

*Provides access of information to continue family violence. (218, Lawyer, Mediator, Child’s Voice Specialist)*

*Parents can use this as a way to check in on the other parent, and interrogate the child about what the other parent is doing, who’s there, etc, rather than it being for the purpose of their own personal relationship with their child. (76, Social worker)*

*If the separation is not amicable, it can be used to maintain a sense of control of the other party if boundaries are not established around times and frequency. (82, Kaiārahi – Family Court Navigator)*

*My concern sits with contact parents using the virtual contact for information gathering and harassment where coercive control has been a factor. (112, Counsellor/therapist)*

*Finding out about where or what activities/people, etc. are in the children’s lives and possibly acting on this information (117, Counsellor/therapist, Supervised contact provider)*

Virtual contact could be used by parents to **record the contact to gather information to be used in court proceedings.**

*That the communication can be recorded and used in court proceedings. (122, Specialist report writer)*

*Parents can record or watch the interaction and it is not private to the attending parent and child/ren. It can be used against the parent having this type of contact, conversations reported back to court, etc. (117, Counsellor/therapist, Supervised contact provider)*

Children could also be exposed **to parental conflict** via virtual contact when the other parent was also present during virtual contact.

*Sometimes children can be exposed to more parental conflict due to parents seeing each other virtually in front of children. (209, Social worker, Parenting Through Separation provider)*

*It may increase opportunities for conflict between the two parties involved if one parent is supervising, thus exposing the children to conflict. (153, Family Court judge)*

*Children can as usual be pawns or caught in the middle of parent disagreements, feuds. ... Contact between separated parents and children should be completely separated. ... Often if the parents are together or present on a video then arguments or negative tension can arise. Most separated parents cannot be civil for a lengthy time, that is the reason generally they are separated. Their interactions should be limited to changeovers only. (111, Supervised contact provider)*

**Children could also be caught up in their parents' conflict** and placed in a loyalty bind when questioned about the contact or experienced their parent's disapproval about the contact.

*Managing the disapproval of a parent who is unhappy they are contacting the other parent. (122, Specialist report writer)*

*Parent wanting to know what's going on and negative comments about others parenting, put in the middle. (76, Social worker)*

*Let down by parents or the request to ask questions or interview of child after sessions. Children have felt pressured to have sessions online knowing other parent is viewing. (117, Counsellor/therapist, Supervised contact provider)*

*Custodial parent interrupting/closed the session down, whilst they were listening in and didn't agree with what the other parent was saying. The children were caught between both parents. (211, Supervised contact provider)*

*Concern around being disloyal if having a good time with their parent while in the other parent's home. (87, Mediator, Child's Voice Specialist)*

## Safety

In addition to children being exposed to, or involved in, conflict between their parents, in cases involving family violence and coercive control, the professionals expressed concerns about the risk to **children's safety** if the contact was not supervised or monitored. In such cases, determining who would supervise the contact was raised as an issue, particularly as there were also **risks to the other parent's safety if they facilitated or supervised the contact**.

*Coming from a safety sector: It cannot be guaranteed that a child is still safe if the virtual contact is not monitored; adult conversations could be taking place; parental alienation can still occur; other people in the background, out of sight, may not be permitted to see the child. (75, Supervised contact provider)*

*If virtual contact requires supervision, finding someone to supervise that interaction. It is not always appropriate for the other parent to be involved in facilitating virtual contact. (176, Lawyer, Lawyer for the Child)*

*Potential safety risks if not adequately supervised or monitored. (197, Lawyer)*

*The contact is not safe in violent or high conflict situations, unless closely moderated and supervised. (150, Family Court judge)*

*If virtual contact requires supervision, finding someone to supervise that interaction. It is not always appropriate for the other parent to be involved in facilitating virtual contact. (176, Lawyer, Lawyer for the Child)*

*Not necessarily monitored, which can place children in vulnerable situation. (157, Lawyer, Lawyer for the Child, Mediator)*

*If the parents try and do without supervision support in MOJ cases there is often still conflict which the child/ren may be affected by. (117, Counsellor/therapist, Supervised contact provider)*

And as detailed above, virtual contact could be **weaponised and used to continue family violence and coercive control** making virtual contact unsafe for both children and parents.

*Psychological abuse could continue. (118, Role unspecified)*

*Increased risk of continuing or initiating family harm between parents, becomes another modality for abuse between parents to occur. (119, Child's Voice Specialist, Parenting Through Separation provider)*

*In situations of high conflict, virtual contact can sometimes be used without the other parent knowing and used to undermine or abuse the other parent. (70, Lawyer, Community Law)*

*If there are safety concerns, then one parent can continue to exert control/violence over the other. (191, Lawyer, Lawyer for the Child)*

## **Privacy Concerns**

**Concerns about privacy** were also a challenge. The professionals noted the impact on children of their other parent not allowing the children to have space and privacy **by listening in on the contact, monitoring, recording or interrupting it, and checking texts** sent by and to their other parent. This lack of privacy could make children feel uncomfortable and the contact less natural, particularly when the children could not communicate freely and openly. The presence of other people (such as a parent's partner) could also be problematic for children.

*Unable to freely communicate without parental oversight/manipulation. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*The day-to-day caregiver listening into the conversation and children feel they have to say or do the right thing. (217, Mediator, Supervised Contact Provider)*

*Children have felt pressured to have sessions on line knowing other parent is viewing. (117, Counsellor/therapist, Supervised contact provider)*

*Doesn't feel so relaxed and are aware that sometimes the other parent is listening and they feel uncomfortable. (65, Lawyer)*

*Parental supervision by the custodial parent to the extent that the child cannot have natural spontaneous contact. (206, Lawyer)*

*Children feel watched. (130, Counsellor/therapist, Family Court counsellor)*

*When the other parent stays within earshot, so conversations are not private. (103, Family Court counsellor)*

*Some [children] want to have private conversations, but the other parent will not allow it, i.e., will not leave the room. (128, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*Step-parent listening and lack of privacy within the home. (196, Lawyer, Lawyer for the Child)*

*They don't feel comfortable and are worried that the other parent or their partner may be listening. (89, Counsellor/therapist, Parenting Through Separation provider)*

The professionals also noted that **parent co-located with the child during virtual contact could also feel that their privacy was compromised** due to the other parent having a window into their home. One parent recording virtual contact or using it as a way of gathering information also breached the privacy of the other parent and children and could also be a safety issue and a source of conflict.

*Can cause parental conflict through perception of violation of privacy. (218, Lawyer, Mediator, Child's Voice Specialist)*

*In some cases it can be intrusive – particularly in cases where power and control has been an issue in the relationship. (89, Counsellor/therapist, Parenting Through Separation provider)*

*The care parent perceiving this an intrusion into their time and home. (106, Family Court judge)*

*Another issue is privacy especially on video calls – the present parent may listen/interfere with call, or present parent feels their privacy is being invaded (video calls). (165, Mediator)*

*Sometimes the contact is used by one parent (especially video calls) to pry into the other parent's life/household. (178, Lawyer, Lawyer for the Child)*

*It can also be used as a session to probe or pry into the other parent's living situation, so again boundaries and really depends on the parents' post-separation relationship. (82, Kaiārahi – Family Court Navigator)*

### **Behaviour of the Non-Resident Parent**

In addition to using virtual contact maliciously in situations involving parental conflict and family violence as detailed above, other challenges relating to a non-resident parent's behaviour were raised. This could include them contacting children outside agreed-upon arrangements and **behaving inappropriately during virtual contact** – bringing adult issues into the contact, undermining the other parent, and having inappropriate discussions or being overly emotional with their children.

*Where the other parent is present, there can be conflict and inappropriate comments to that parent and so forth. (64, Lawyer)*

*Challenges: upset parent, parent can't emotionally regulate themselves, children are hesitant to engage with parent, Risk: child won't talk to parent, children start off scared, parent becomes again upset, bad behaviour sets in. The parent is able to say inappropriate things and it is distressing to a child to close it down earlier given the parent has not obeyed the rules. (136, Supervised contact provider)*

*Parents not being consistent, not calling when scheduled. Parents being inappropriate during contact time. Parent not being child centred in decision-making/conversation time. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*Often parents will use this as a chance to discuss things like court proceedings with the child as it's not always closely supervised, even if face-to-face contact is. (172, Lawyer)*

*Risk can create ability for parent to discuss adult issues with tamariki. (74, Lawyer for the Child)*

*The parent's emotions being put onto the children, making them feel bad or guilty (carrying the weight of the parents grief), triggering of sadness when they were in the middle of a happy time. (76, Social worker)*

*Language and conversations not being appropriate/upsetting to a child/ren. (117, Counsellor/therapist, Supervised contact provider)*

*References to other people the child cares for which are negative and personal, undermining the child's security. (215, Supervised contact provider)*

*When the parent involved in the virtual contact has untreated mental health difficulties, has been abusing substances or has other family members present conversations can become accusatory, interrogatory, or simply denigrating towards the child or the other parent. It seems that in the absence of physical contact some people have less inhibition or restraint and are less child focused than they might otherwise be. (194, Specialist report writer, Psychologist)*

Some professionals also reported **parents contacting children inappropriately** and outside agreed-upon arrangements. Dealing with unwanted, persistent or unscheduled contact could be difficult for children.

*Some try methods that are not agreed, like texting child. (128, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*The other parents calls too much and at inappropriate times causing issues. (192, Lawyer, Lawyer for the Child)*

*I have also had parents using children's online games to communicate with them in breach of an order. (175, Lawyer)*

*Unwanted contact at unscheduled times. (201, Lawyer, Lawyer for the Child)*

*Parent popping into game chat and messaging during the night. (76, Social worker)*

*Parent trying to force too much contact when they are not interested. (191, Lawyer, Lawyer for the Child)*

**Parents being unreliable or not adhering to contact arrangements** and upsetting children was also mentioned.

*Parent not accessing virtual contact when they said they would and child misses out. (92, Family Court judge)*



*Scheduled video call doesn't happen or parent reduced time and is preoccupied with something else. Parent is intoxicated or under influence of substances during contact both can leave children feeling disappointed, sad, let down, angry, etc. Often children look forward to scheduled calls and feel hurt when parent does call or pick up or appears to have something better to do. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*When child tries to contact parent and they are not available. Can be upsetting. (131, Counsellor/therapist, Child's Voice Specialist, Parenting Through Separation provider)*

*Lack of parental reliability in connecting at the agreed time. (220, Lawyer, Lawyer for the Child)*

*Concerned if they miss out on the calls won't get to speak with said parent for a while. (102, FDR Case Manager)*

### **Nature of Virtual Contact**

Challenges around the nature of virtual contact were reported, such as the **lack of physical touch and affection**, its **artificialness**, and some professionals thought it could **highlight the lack of face-to-face contact** and be **upsetting and confusing for children**.

*The lack of physical affection (hugging, holding hands, pats on the back, brushing hair, etc.). (67, Specialist report writer, Supervised contact provider)*

*No connection by touch, hugs, physical activity, or sharing of kai, (not culturally appropriate). (211, Supervised contact provider)*

*It can be artificial and inadvertently upset the children. (153, Family Court judge)*

*Virtual contact is better than no contact, but it suffers from not being real. (206, Lawyer)*

*Not physical contact – touch, smell, etc. (140, Family Court Counsellor)*

*It can reinforce, for the parent and the child, the reality of not having face-to-face contact. (162, Family Court judge)*

*Sometimes promoters of virtual contact ignore its limitations. For example, a parent cannot hug a child through the screen of a device. (206, Lawyer)*

*Virtual communication can be a bit like saying I am here, but in reality you are not actually there, so it can increase a false sense of what is possible. (92, Family Court judge)*

*Not the same as being together ... highlights the fact the parent and child are not together. (65, Lawyer)*

*Emotionally challenging for the child and parent. Seeing each other but not being able to fully engage. (125, Specialist report writer, Psychologist)*

*That it doesn't feel natural – [child] would rather tell them things in person when they next catch up. (176, Lawyer, Lawyer for the Child)*

## **Practical Challenges**

Practical challenges related to the virtual nature of the contact relating to technology and finding private spaces for children and parents were also reported. **Poor and unreliable internet connections** were seen as problematic and a small number of participants noted difficulties around the **cost and access to technology**. For children, this lack of access could relate to a reliance on their parents to top up their data on mobile phones or having device use restricted.

*Technology access is the challenge. (108, Supervised contact provider)*

*Reliance on the Internet and devices working adequately. (67, Specialist report writer, Supervised contact provider)*

*Inability of child to top up data, etc. on phone so reliant on caregiving parent to do. (126, Lawyer, Lawyer for the Child, Mediator)*

*Not having access to technology to contact the other parent when they want to, e.g., Having devices removed from them as soon as they get to the other parent's house and is not returned until next changeover; only have use of devices during certain times; only have a limited amount of time on a device and calls are included in that time limit; other parent not allowing them to keep device charged, or not charging it for them (and the child is not allowed to do this themselves). (218, Lawyer, Mediator, Child's Voice Specialist)*

*Children might feel prevented from contact with the other parent due to household policies on screentime, e.g., by removal of devices after 7 pm, etc. (171, Mediator)*

*In some cases where internet/devices are not as reliable, children report the screen of their parent "freezing" or getting "stuck" or slowing of movement. (67, Specialist report writer, Supervised contact provider)*

Another common challenge for children raised by the professionals related to the **timing and/or scheduling of contact** and how this could clash with other aspects of their lives, for example, sports and work.

*When there are orders in place for virtual contact, it can become onerous trying to ensure availability irrespective of the context, e.g., having to leave a peer's birthday party to carry out a scheduled Zoom call. (122, Specialist report writer)*

*For older children, sense of being forced into a routine. (151, Family Court judge)*

*I find the most common complaint is that the children consider the calls disruptive to their lives and very often don't consider them necessary. The contact seems driven by parental desires. (194, Specialist report writer, Psychologist)*

*If it is scheduled they often do not want to do it because they are busy doing something. However, if it is not scheduled often the children do not call or alternatively the other parent calls too much and at inappropriate times causing issues. (192, Lawyer, Lawyer for the Child)*

*I think for pre-teens from 12–16, it's the parents wanting more virtual contact forgetting with sports and clubs, hobbies kids are starting to have a bit of a life and aren't always up for a yarn unless the parents are a part of those things already. Had a matter where parents had raised their sons to work hard had jobs in the weekends played sport, etc. ... the sons were like we can't come every weekend or ring at a particular time every night. It's not realistic. (82, Kaiārahi – Family Court Navigator)*

*They can be in the middle of doing something, then it's time for them to call a parent. If the caring parent isn't organised, the child can get really distracted and frustrated about the calls taking place. (142, Lawyer)*

*Complaints about the scheduled contact getting in the way of normal life requiring the child to stop what they are doing which can build resentment. (106, Family Court judge)*

Children were reported to **dislike set or scheduled contact** and to want **flexibility and more autonomy** in the arrangements.

*Mainly just not in the mood to talk at scheduled times – prefer more fluid. (165, Mediator)*

*Rigidity of contact times does not fit with the child's sense of independence. (152, Family Court judge)*

*They prefer to be able to call/text if they want, not at set times. "Don't always have much to say", "Want to call when I want to", don't want it to interfere with their other activities. (210, Lawyer, Lawyer for the Child)*

*Feeling tied to a routine that may not suit. ... Prefer autonomy over use and frequency (older children). (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*The inflexibility, with time dictated by court or parent, rather than freedom for child to decide. (76, Social worker)*

After outlining their views about the challenges or risks of virtual contact, those participants who had indicated that they worked with families/whānau who used some form of virtual contact ( $n=129$ ) were asked whether these families had reported experiencing any issues,

concerns, difficulties or challenges to them. They were presented with a list of 18 issues identified in the research literature and key stakeholder consultations and asked to select those reported by families/whānau. These were grouped into issues related to technology, parents, children, communicating virtually, and safety. The percentage of participants selecting each issue is presented in Table 12. Many of the challenges listed in Table 12 match those the participants detailed in the unprompted open-text box preceding this question.

**Table 12: Do the family/whānau members you work with report any of the following issues, concerns, difficulties or challenges with virtual contact? Please select all that apply.**

	<i>n</i>	%
<b>Issues Related to Technology</b>		
Access problems (no or unreliable internet; lack of technology, devices, webcams, etc.)	92	71.3%
Cost issues (of technology, devices, mobile data, internet/broadband costs)	70	54.3%
Parental lack of competence/familiarity with technology	72	55.8%
None of the above	23	17.8%
<b>Issues Related to Parents/Caregivers</b>		
The other parent deliberately not facilitating or obstructing virtual contact (e.g., by not having the necessary technology or the child/ren available)	117	90.7%
Parental monitoring or listening	121	93.8%
Parental non-compliance (e.g., missing scheduled contact, not answering calls)	119	92.2%
Disagreements/conflict between parents about virtual contact	91	70.5%
Parents using virtual contact/technology against the other parent	85	65.9%
Parents making audio or video recordings of virtual contact	80	62.0%
Presence/interference of others, e.g., partners during contact	91	70.5%
None of the above	0	0.0%
<b>Issues Related to Children</b>		
Child's reluctance to have virtual contact	95	73.6%
Child's lack of responsiveness, difficulties keeping children engaged	116	89.9%
Child's age – too young to use technology	112	86.8%
None of the above	4	3.1%
<b>Issues Related to Communicating Virtually</b>		
Need for another person to facilitate or scaffold virtual contact (especially for younger children)	115	89.1%
Limitations of mediated communication – superficiality of contact, inability to replace direct, face-to-face contact; difficulty with conversations	97	75.2%
None of the above	4	3.1%
<b>Safety Issues</b>		
General online safety concerns for children (e.g., online bullying, privacy, scams, etc.)	40	31.0%
Safety concerns for parents and/or children in cases of high conflict or family violence/coercive control	100	77.5%
Potential for unmonitored or unapproved contact	95	73.6%
None of the above	13	10.1%
<b>Other Concerns or Difficulties</b>	19	14.7%

Once participants had selected all the issues reported by the family/whānau members they worked with, they were then asked to identify which ones were **the mostly commonly reported, by selecting up to five of the issues** that they selected in the previous question. Table 13 details the percentage of participants ranking each issue as one of the most commonly reported by families/whānau as a proportion of the total selected in the previous question (presented in order from highest to lowest)

**Table 13: Of those issues, concerns, difficulties or challenges you selected, please identify those most commonly reported by the family/whānau members you work with. Please select up to five.**

	<i>n</i>	%
Parental non-compliance (e.g., missing scheduled contact, not answering calls) ( <i>n</i> =119)	88	73.9%
The other parent deliberately not facilitating or obstructing virtual contact (e.g., by not having the necessary technology or the child/ren available) ( <i>n</i> =117)	82	70.1%
Parental monitoring or listening ( <i>n</i> =121)	82	67.8%
Child's lack of responsiveness, difficulties keeping children engaged ( <i>n</i> =116)	65	56.0%
Child's reluctance to have virtual contact ( <i>n</i> =95)	37	38.9%
Cost issues (of technology, devices, mobile data, internet/broadband costs) ( <i>n</i> =70)	25	35.7%
Presence/interference of others, e.g., partners during contact ( <i>n</i> =91)	26	28.6%
Access problems (no or unreliable internet; lack of technology, devices, webcams, etc.) ( <i>n</i> =92)	26	28.3%
Disagreements/conflict between parents about virtual contact ( <i>n</i> =91)	25	27.5%
Need for another person to facilitate or scaffold virtual contact (especially for younger children) ( <i>n</i> =115)	28	24.3%
Parents using virtual contact/technology against the other parent ( <i>n</i> =85)	19	22.4%
Child's age – too young to use technology ( <i>n</i> =112)	25	22.3%
Safety concerns for parents and/or children in cases of high conflict or family violence/coercive control ( <i>n</i> =100)	21	21.0%
Potential for unmonitored or unapproved contact ( <i>n</i> =95 )	19	20.0%
Limitations of mediated communication – superficiality of contact, inability to replace direct, face-to-face contact; difficulty with conversations ( <i>n</i> =97)	16	16.5%
Parental lack of competence/familiarity with technology ( <i>n</i> =72)	11	15.3%
Parents making audio or video recordings of virtual contact ( <i>n</i> =80)		
General online safety concerns for children (e.g., online bullying, privacy, scams, etc.) ( <i>n</i> =40)	1	2.5%

As Table 13 shows, issues to do with parental behaviour were the top three most commonly reported to family justice professionals by the families/whānau they worked with – non-compliance (74%), obstructing or not facilitating contact (70%), and listening in on or monitoring contact (68%). Difficulties with engaging with children (39%) and children’s reluctance to participate (36%) were also in the top five issues reported by families/whānau.

## Barriers to the Use of Virtual Contact

Participants were asked what barriers (if any) prevent families/whānau from using virtual contact. Most (88%) provided one or more barriers. Four participants explicitly stated that there were ‘none’ or that they had encountered none in their work. The barriers identified largely fell into three, sometimes inter-related, categories: parent related, child related, and practical/structural issues.

### Parent-Related Barriers

Just under half (44%) of those professionals who detailed a barrier, outlined an issue related to parental behaviours or perspectives. **Conflict between parents and extended family**, animosity, hostility and lack of trust were all identified as barriers to the use of virtual conflict. Issues could arise when parents were unable to agree on contact arrangements or had differing views on the appropriateness of their children’s access to mobile phones and other devices.

*Disagreement around scheduling and/or monitoring virtual contact. (101, Supervised contact provider)*

*Level of conflict between parents/extended whānau. (69, Family Court judge)*

*Issues between the parents i.e., lack of agreement/accusations, etc. (130, Counsellor/therapist, Family Court counsellor)*

*Disagreement about whether child should have a phone, etc. (126, Lawyer, Lawyer for the Child, Mediator)*

*Low co-operation from parents disapproval of children having access or use of a phone – a lot of discrepancy about appropriate age for independent phone/laptop use. (109, Mediator, Child’s Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Agreed consent and willingness. Often one parent buys the device because they want to have contact, and the day-to-day (resident) carer does not allow the use of it. (131, Counsellor/therapist, Child’s Voice Specialist, Parenting Through Separation provider)*

*Devices are the biggest issue – are the children to have their own phone/device, or use their parent’s – both options raise issues. (210, Lawyer, Lawyer for the Child)*

*Problematic when one parent buys kid cell phone without consultation and/or when child is too young to have cell phone. (182, Family court judge)*

The professionals noted problems arising when one parent or caregiver confiscated technology and devices as a form of discipline which prevented virtual contact occurring.

*Confiscating a phone as a form of discipline, but then needing to give it back so they can have a call with the non-caring parent. (142, Lawyer)*

*Grandparents raising grandchildren can have increased conflict where they try to have harsh stances or removing devices (leading to children's violence) rather than working together on acceptable use. Children can use the opportunity of parent virtual contact to then demand staying on the device, or keeping a device that has been removed due to consequences. Needing a device for contact can remove a caregiver's leverage for discipline. (76, Social worker)*

Parents who had a **lack of willingness, motivation or commitment** to making virtual contact work, or were obstructive, uncooperative, reluctant or did not adhere to arrangements, could also act as a barrier. Withholding equipment, not answering the phone, or keeping to agreed contact were mentioned.

*Custodial party may be obstructive. (67, Specialist report writer, Supervised contact provider)*

*Other parent not keeping to schedule; not answering calls from either side. (75, Supervised contact provider)*

*Lack of co-operation by the caregiver. (153, Family Court judge)*

*I think the biggest barriers are the non-caregiving parent expecting to have a long period of contact during the virtual contact which is often unrealistic and parents not being able to prioritise the virtual contact or stick to set times. (148, Lawyer, Lawyer for the Child)*

*Virtual contact not being supported by the day-to-day carer. (76, Social worker)*

*Most common reason I encounter is lack of willingness of the parent who has care of the child. (61, Lawyer)*

*The care parent simply finding it hard and stressful (and not really wanting to do it). (91, Psychologist)*

*Priorities. Sometimes parents do not prioritise this contact. (157, Lawyer, Lawyer for the Child, Mediator)*

*Withholding of devices, e.g., phones and tablets. (215, Supervised contact provider)*

**Parental concerns about the other parent's** behaviour could impact on their willingness to use virtual contact. **Family violence** could also make a parent reluctant or fearful about this type of contact. The professionals noted parental concerns about what the other parent might



say and do during virtual contact, and about being recorded or monitored, and/or having the other parent gain visual access into their home.

*Most commonly I have parents tell me that they have concerns about what the other parent is saying to the children during virtual contact. The barrier is this view or their concerns rather than any physical barrier. (194, Specialist report writer, Psychologist)*

*The fear of the other parent – either having to deal with the other parent, the risk of family harm or verbal abuse happening during the interaction. (119, Child’s Voice Specialist, Parenting Through Separation provider)*

*Concern over being listened to by other parent or recorded. (126, Lawyer, Lawyer for the Child, Mediator)*

*It can feel very intrusive for a parent who is the victim of family violence to have the other parent’s voice/image going in their home. (202, Lawyer, Lawyer for the Child, Community Law, Child’s Voice Specialist)*

*Experiences of family harm and trying to reduce contact managed by other parent (previously harmed person). Can be triggering have other person contacting them directly. (95, Social worker, Child’s Voice Specialist, Parenting Through Separation provider)*

*Conflicts with the parent’s wish to maintain separation. Can involve safety issues. (125, Specialist report writer, Psychologist)*

*Concern about being used to “get inside” their home by other person. (183, Lawyer, Lawyer for the Child)*

A small number of professionals also noted the **role of extended family/whānau**, with their exclusion from virtual contact and a desire for in-person contact also being a barrier.

*Whānau also want in person contact, anything less is strongly resisted even for short periods of time until other arrangements can be appropriately taking. (74, Lawyer for the Child)*

*Extended whānau being excluded from the agreement. (92, Family Court judge)*

*Parental conflict – one parent insists any contact is only for other parent. Child doesn’t know other whānau. (128, Lawyer, Lawyer for the Child, Mediator, Child’s Voice Specialist)*

## Child-Related Barriers

A small number ( $n=12$ ) of the professionals identified child-related barriers. A child's **young age** was seen as a potential barrier, predominately because of their perceived inability to engage or use the technology required.

*Child being unable to engage in the technology due to their age or maturity. (158, Lawyer, Lawyer for the Child)*

However, **children's lack of engagement or reluctance** to participate in virtual contact in general, regardless of their age, was also raised.

*Child not wanting to stop what they're doing, seeing a face call as an interruption. (76, Social worker)*

*Dealing with a child who doesn't feel like going to the computer/phone for virtual contact or not wanting to talk. (182, Family Court judge)*

*Difficulty having children engage. (91, Psychologist)*

## Practical/Structural Barriers

The most common structural barriers related to the **cost** and/or not having **access to the necessary equipment and technology**, such as devices or the Internet, particularly for those on a low income. While there was an acknowledgement that many people now owned a mobile phone, they were not always suitable for virtual contact purposes or parents may not be able to afford mobile phone credit, plans, and/or data.

*Cost for low-income families, who often don't have credit for basic calls/texts, let alone data to allow video calls. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Financial issues – being able to afford a device. (142, Lawyer)*

*Some poor families don't have adequate technology and have very basic phones and so really want face-to-face contact. (64, Lawyer)*

*The cost for low-income families, not having access to mobile devices. (100, Social worker, Parenting Through Separation provider)*

*Most common is parents don't have access to a decent quality mobile to have conversation with child/ren. (205, Supervised contact provider)*

*Having the equipment to deliver virtual contact sessions for the whānau. ... Access to virtual contact for our whānau is not as easy as some people may think (138, Supervised contact provider)*

*Lack of access to suitable devices. (215, Supervised contact provider)*

A **lack of, or unreliable, mobile and Wi-Fi reception, and internet connectivity** was also identified as a barrier, particularly in rural areas and for those living in the far north and the east coast of Aotearoa.

*Having reliable technology (cell reception, etc.) and admin requirements of having devices ready to use at the required time. (106, Family Court judge)*

*Poor Wi-Fi in rural areas in the far north for example or out on the east coast Tai Rawhiti communities. (184, Lawyer, Lawyer for the Child)*

*Cost and reliable internet particularly in the mid and far north and east coast. (212, Mediator, Counsellor/therapist, Family Court Counsellor, Child's Voice Specialist)*

*It's only helpful if it's doable and for up here in the north, until we have reception in every area you would waste resource on us trying to explain what can be done when it can't be done well here. ... Until we are able to promote this as a resource we can access 100% every time it's too hit and miss and can cause more issues when whānau think a call not coming through is the other parent being deliberately obstructive when in fact they can't get reception or have no data. (68, Kaiārahi – Family Court Navigator)*

Another practical barrier identified by participants related to the **timing or scheduling** of virtual contact. Issues such as trying to work around different time zones, and mismatches between when children and when parents were available and expectations around this could be difficult. Fitting virtual contact around parent's work and children's routines could be a source of tension and was problematic when it occurred at a busy or inconvenient time. Barriers could also relate to difficulties finding set times for virtual contact when parents and children had busy and unpredictable schedules.

*Lack of organised lives. (150, Family Court judge)*

*Practical difficulties due to a child's (or the carer or other child's) commitments/availability. Lack of clarity around the times/rules around contact. (153, Family Court judge)*

*Unpredictable schedule. (120, Lawyer, Community Law)*

*The non-residential parent wanting more time flexibility as they are working and travelling without data or internet connection. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*Availability of parent and child at the same time, around routines/work, etc. (63, Lawyer, Lawyer for the Child)*

*Time, convenience, busy lives, trying to keep a routine, home situation at the time, i.e., needing to discipline behaviour. Being interrupted, being undermined by the other parent. (76, Social worker)*

*Fixed times for virtual contact is important but often it can become a nuisance and inconvenience to the child/young person over time, i.e., a chore. (62, Lawyer, Lawyer for the Child)*

*Mostly mothers saying it disrupts their/children's schedule in the evenings. (166, Mediator)*

*Time barriers, the other parent is working long hours, and then expects the child to interact at a time that interferes with their bed/dinner routine. (168, Mediator)*

**Lack of a suitable person to scaffold or supervise** virtual contact (if necessary) was identified as another practical barrier.

*Having appropriate people to monitor the contact when there are safety concerns. (175, Lawyer)*

*The availability of a suitable supervisor when required by the court. (215, Supervised contact provider)*

*Parents having to scaffold children to engage and the parental will or skills to do this may be lacking. (119, Child's Voice Specialist, Parenting Through Separation provider)*

*Funding for supervised contact sessions. (211, Supervised contact provider)*

Finally, a **lack of technical competence or knowledge** or differing levels of familiarity or knowledge with technology was also seen as a barrier, particularly for grandparents who were caring for children.

*Having the skills to navigate virtual contact (if they are grandparents caring for children). (175, Lawyer)*

*Lack of technology or the education around how to use the technology. (101, Supervised contact provider)*

*Capacity to use technology. (85, Kaiārahi – Family Court Navigator)*

*Technology knowledge imbalance. (126, Lawyer, Lawyer for the Child, Mediator)*

*Lack of knowledge about technology (grandparents raising their young grandchildren). (75, Supervised contact provider)*

*Concerns they will not be able to navigate the technology. (67, Specialist report writer, Supervised contact provider)*

## What Works Well – Features of Successful Virtual Contact

The survey asked professionals in what situations (if any) they thought virtual contact was most appropriate or works well and/or what the features of successful virtual contact were. The majority (96%) of the participants provided one or more situations or features in an open-text box.

The most commonly reported situations regarded as most appropriate for the use of virtual contact were those where **direct, face-to-face contact was not possible, regular or frequent, or was restricted**, such as when the parents lived in different geographical locations (such as in cases of relocation) or when a parent was in prison or rehabilitation, if a parent was ill, and when there were safety concerns. Virtual contact was also seen as appropriate in situations where there had been extended periods between contact and/or contact needed to be re-established. Around one in four (41%) of those participants who provided an answer ( $n=128$ ) outlined these situations.

*Where parents are separated geographically making in-person costly (travel costs), where a parent is re-introducing themselves to the life of a child where they may have been absent for some time, where there are disabilities for parent or child that prevent in-person contact. (67, Specialist report writer, Supervised contact provider)*

*I believe it works well in an interim period when face-to-face contact is prohibited, such as jail or mental health issues or bail conditions prohibit visits. I think also when there are long gaps between face-to-face session i.e., distance or ability to Zoom. When the court restricts visits, but the child or children can Zoom so it bridges the gaps for them to not feel abandonment. (117, Counsellor/therapist, Supervised contact provider)*

*When a parent or child's locality is significant distance for in person contact, then FaceTime, Zoom has been beneficial. Where safety issues arise for the tamariki that requires virtual contact by telephone or FaceTime. (74, Lawyer for the Child)*

*When there is no other option such as holidays, and long gap between face-to-face contact that happens regularly. (205, Supervised contact provider)*

*Virtual contact is essential for children with a parent in the other country. (195, Lawyer)*

*It continues the relationship if face-to-face contact cannot happen due to distance, illness, rehab or prison. (211, Supervised contact provider)*

*Where in-person contact is limited or restricted for any reason. (173, Lawyer)*

*Where there are safety concerns for the child in a parent's care, or where in-person contact is not particularly consistent or regular. (172, Lawyer)*

*In circumstances where children cannot see parents – safety, imprisonment or geographical distance – it is useful. (194, Specialist report writer, Psychologist)*

However, other participants saw virtual contact as being **best used as an adjunct or supplement to regular face-to-face contact** and when there was **already a positive, secure and established relationship** between children and their parent.

*Works well as adjunct contact, particularly where there is geographical distance, and the children have a secure attachment to both parents. (151, Family Court judge)*

*Where there is an established good relationship between the child/ren and the absent parent. (153, Family Court judge)*

*Best virtual contact is where it supplements face-to-face contact. (182, Family Court judge)*

*It works well where there is an existing good relationship with the child and the parent is skilled and confident and knows how to engage them and gets good face-to-face time as well. 184, Lawyer, Lawyer for the Child)*

Features of successful virtual contact most commonly detailed by the participants included when the parents have a **good, co-operative co-parenting relationship**, with no or low conflict or family violence, and when **both parents agree upon, adhere to, value, encourage and support the contact**.

*Where there is an established good relationship between the child/ren and the absent parent and co-operation between the parties and a recognition of the benefits of contact. (153, Family Court judge)*

*Respectful and co-operative parenting despite the separation. Understanding of the value of the medium when used well. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Virtual contact works well when the parents are both in agreement with it and have a co-operative co-parenting relationship. (122, Specialist report writer)*

*Committed parents, parents who can work together to make it work – not usually the Family Court population. (91, Psychologist)*

*It works well in a situation where the families in both households have a respect and understanding of each other's role in their children's lives, it becomes a tool to maintain great communication and can help preserve relationships and facilitate real time discussions that might need to be had with some urgency. (82, Kaiārahi – Family Court Navigator)*

*If both parents are willing to make it happen in particular when parents are no longer living in the same town so physical contact is limited it can work really well. ... When it works, it works really well, but there has to be the willingness from both parties to make it work and focus on tamariki not themselves. (79, Supervised contact provider)*

Participants also detailed how in addition to parents supporting virtual contact, it worked well when the other parent (or another person) was **willing to facilitate and scaffold** the contact if it was necessary, particularly for younger children. Or alternatively, it worked well **when children were older and facilitation was not necessary**.

*When contact is supported by both parents and there is trust between the parents and they can scaffold younger children's contact or support older children to enjoy private time with the absent parent. (179, Lawyer, Lawyer for the Child, Mediator)*

*When children are quite young and it is short and sweet and facilitated by someone else or when kids are of an age they can do it themselves. (116, Lawyer, Lawyer for the Child, Mediator)*

*Older children who can facilitate it themselves independent of the caregiving parent (own phone). For younger children, a supportive parent who scaffolds it. (126, Lawyer, Lawyer for the Child, Mediator)*

*The children are old enough to manage it themselves without involvement from the other parent. (201, Lawyer, Lawyer for the Child)*

*Both parents support it (i.e., provide the tools such as device and internet); parents don't interfere but encourage child to engage in contact; it becomes a free and natural process between absent parent and child – they just naturally chat and send photos each day. (181, Lawyer, Lawyer for the Child)*

*Where adult involvement in call is not required, or if it is required the relationship between the adults is good enough for them to be able to facilitate this. (198, Lawyer, Community Law)*

*For younger children, a supportive parent who scaffolds it. (126, Lawyer, Lawyer for the Child, Mediator)*

*To be successful you would need a neutral person encouraging the child to talk and also having a book, homework, certificate, rugby boots or significant game, etc. to be shared. (136, Supervised contact provider)*

*It works well when supervisor can help the communication and redirect children back to the parent when they wander off. (71, Supervised contact provider)*

As well as a good co-parental relationship and both parents being supportive of virtual contact, another aspect of making virtual contact successful was having a **contact parent who could be creative and successfully engage with their child/ren** via digital technology, and parents having **objects and activities that helped this engagement and made the contact positive for the child**. Shared activities such as reading books or watching videos together, playing music, sharing videos, playing games together, helping with homework, reading bedtime stories, sending texts, were all suggested.

*Both parents committed to this. The non-residential parent has a structure to the contact so they and the young person can do a mutual project – e.g., providing a copy of the book they will read, or both drawing the same thing. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*If parents can be creative around how they use virtual contact, e.g., if using video calling reading a story or playing some music with children so children can be engaged. (209, Social worker, Parenting Through Separation provider)*

*There are ways to make video calls fun and interesting, but it can often end up with the parent sighing, being sad because the child isn't with them in person to experience what they're showing them on the video call, etc. So, it needs to be made clear to the parent to keep positive, keep fun, don't go on about missing the child and the future because that could stress the child and probably make the child not want to participate much in further virtual contact. Fun, fun, fun. Don't discuss any issues or sadness, etc. Be creative, take the phone out to the backyard, show the dog, the shop they're in, etc. Be creative. Case by case ... maybe some parents and kids can spend a whole morning, watching a movie together or sports game, share videos, articles about insects, sharks, Lego, etc. But some parents lack this focus, and instead will dwell, be negative. (111, Supervised contact provider)*

*Using FaceTime to play games, read stories, music sharing etc. Film of a child's special event – sport, school assembly, etc. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Getting children to send videos or photos to the other parent. Children like making videos. (165, Mediator)*

*Social media can also timeline significant events within the child's life that will have long-term benefits such as documenting photos and building a strong relationship with the child. (85, Kaiārahi – Family Court Navigator)*

*Where both parents want it to work and where it is around a particular activity like reading a story or an exchange of memes/emojis/quick texts in older children. (106, Family Court judge)*

*One method I've used is to get the parents to each buy a certain story book. The virtual contact parent can spend time reading to the child with the child looking at the pictures. (128, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

**Having “good technology” or “suitable devices”** was also noted as important for virtual contact to work well. Virtual contact was regarded as being **more suitable for older children** who were able to use technology themselves and/or who had their own devices and could contact their parents independently of the other.



The participants varied in their views on whether virtual contact should be formalised. Some thought it worked well when it was **flexible and spontaneous**, reflecting more natural, pre-separation communication.

*Regular, more natural (i.e., daily or when the child wants it) contact with both parents. It gives the child the ability to speak to both parents in any given day, which would generally be their normal situation if the parents had not separated. May help relieve “home-sickness” or distress around not seeing a parent for a long period of time. (131, Counsellor/therapist, Child’s Voice Specialist, Parenting Through Separation provider)*

*If ongoing – i.e., as before – normal chit chat and used for checking in. (133, Lawyer, Mediator, Child’s Voice Specialist)*

*Where the virtual contact can be “ad hoc” and not at set times (but as family lawyers we often suggest our clients do agree a set time, especially if any conflict). (210, Lawyer, Lawyer for the Child)*

*Has flexibility and opportunistic contact as part of it. (87, Mediator, Child’s Voice Specialist)*

*When there is flexibility, that if someone is unable to make a ‘scheduled’ call, there is goodwill to negotiate another time. (103, Family Court counsellor)*

In contrast, others thought **structure and agreed-upon** scheduled times and duration worked better.

*Works best when both parents and the child agree to set times. And the consistency is easy. (168, Mediator)*

*Works well with set days/times and when both parents see the importance of it. (157, Lawyer, Lawyer for the Child, Mediator)*

*A school- or activity-focused conversation weekly that occurs at set and consistent times. (102, FDR Case Manager)*

*Virtual contact works well when the times, days and method of contact and expectations of contact is clearly defined. (105, Lawyer)*

*Being regular and consistent in time (i.e., being regularly set times/days). (144, Mediator)*

Having set times for virtual contact to occur was thought necessary if the child was younger and required the contact to be facilitated by an adult. Whereas, it was seen as working better for older children to have more flexible arrangements.

*Regular set times if scaffolding is required or open communications at any time for older children. (130, Counsellor/therapist, Family Court counsellor)*

Another commonly reported feature of successful virtual contact was when it was **child centred** – focused on their views and needs, realistic and appropriate for their age, and scheduled for times that fitted in with their lives and routines. This included situations where children enjoyed and were comfortable with the contact and/or had some agency over it, by being able to initiate it themselves and not being “coerced”. As one psychologist put it: “All situations where adults have the best interests of their children in mind.”

*It has to be done for the child, not the adult so it needs to be focused on the child at their pace, their schedule, their timeframe. (65, Lawyer)*

*The focus has to be the tamariki, but at times parents are so focused on what has happened between them to put tamariki first. Sometimes the important contact for tamariki may be grandparents/aunt/uncle rather than parent. Everything must be tamariki focused. (79, Supervised contact provider)*

*Child-centred parents. When parents are able to be flexible and focus on their children’s needs. (70, Lawyer, Community Law)*

*Successful contact is relaxed, positive, focused on the child’s needs in an age appropriate way, predictable atmosphere and a feeling of security. (215, Supervised contact provider)*

*Timetabled to fit with children’s routines, appropriate expectations placed around level of child involvement. (69, Family Court judge)*

*For younger children, a supportive parent who scaffolds it, short duration, parent involved has stories, activities, etc. organised to engage young child in positively, news to share etc, no questioning of child, understanding if child tired or bored or busy, flexibility re meals, chores, bedtime. (126, Lawyer, Lawyer for the Child, Mediator)*

*Short calls, being engaged with the children (and for the children to be of the appropriate age for virtual contact to be effective), having the child lead when they have had enough of the call (through cues and body language), keeping discussions child focused. (175, Lawyer)*

*Realistic expectations on both sides about how children may react to contact. (95, Social worker, Child’s Voice Specialist, Parenting Through Separation provider)*

Being child focused also **allowed children to have a voice**.

*For older children who have good relationships with both parents and want to be able to communicate with parents on their own terms and in real time. (202, Lawyer, Lawyer for the Child, Community Law, Child’s Voice Specialist)*

*Allowing children their autonomy even at young ages. (109, Mediator, Child’s Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*The child needs to have a voice into what is decided. Children are often asked about physical contact, not much at all about virtual contact if you look at Lawyer for Child reports on their views. (122, Specialist report writer)*

## Situations When Virtual Contact is Inappropriate

Participants were also asked in what situations (if any) they thought virtual contact was not appropriate, problematic or should not be used at all. Almost all (95%) of the participants provided one or more situations.

By far the most common response related to situations involving **family violence, abuse, coercive control**, when Protection Orders were in place, and where there were **safety concerns**. High levels of inter-parental conflict and animosity were also a concern, and in cases where the parents could not agree or be amenable to providing the necessary support and facilitation. Participants noted that such situations could result in children being exposed to inter-parental conflict, and increase the risk of abuse or inappropriate behaviour by the contact parent if the virtual contact was not supervised. Victims/survivors of family violence (both children and parents) being required to participate in or facilitate virtual contact was seen as inappropriate and unsafe, due to the potential for virtual contact to be used to perpetuate further abuse or as a means to manipulate. Participants thought there needed to be someone else to facilitate contact or for it to be supervised in such situations.

*Virtual contact should not be used in matters where there is family violence and the victim of the violence is expected to solely facilitate the virtual contact. It is important that safeguards are in place in these types of situations. For example, have a third party facilitate this contact. (105, Lawyer)*

*If Protection Order in place unless facilitated by someone else. (84, Lawyer, Lawyer for the Child)*

*Family violence situations – provides an opportunity for perpetrator to continue coercive control via children and during video contact, by monitoring parent, commenting on parent, asking who is in the home, etc. (161, Lawyer)*

*Rarely appropriate where there has been significant family violence. Not appropriate if there is a pattern of the virtual contact parent getting very upset in front of the child, or saying mean things about the other parent or caregiver. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Family violence files where virtual contact is a way to "get at" the victim of the family harm or where the perpetrator is able to have free contact with the child without the other parent or court knowing (underhandedly). (197, Lawyer)*

Such situations could also allow **virtual contact to be weaponised** and used to manipulate and/or abuse the other parent or child.

*In cases with manipulative/coercive features [it] can be used to get information about other parent, or to “remind” children of things. Children can develop an approach of “reporting” on one parent to the other, rather than being able to relax and enjoy their time with that parent. Can be disruptive especially with a lack of trust, leading to parents being focused on strict compliance with virtual contact occurring, and complaints if this does not occur on every occasion. (183, Lawyer, Lawyer for the Child)*

*Safety concerns. When the parent cannot have conversations that are child focused. That the calls are used for manipulation of the situation, undermining the other parent, saying inappropriate things, making life more difficult for child and parent, if it makes the child feel sadder rather than waiting for in person contact, and if it is a way of stalking the other parent, asking the child to show them around, and putting the child in the middle. (76, Social worker)*

*When parents are at war and virtual contact is being used to manipulate the situation, i.e., it’s being recorded or children have to sit in front of the other parent, etc. (130, Family Court counsellor, Counsellor/therapist)*

*Family violence witnessed by or used against children, used as a further means of power/control/family violence against a former partner. (69, Family Court judge)*

*When coercive control is prevalent and the child or child’s information is being used as a weapon. (112, Counsellor/therapist)*

*With abusive partners who manipulate children, and children will not know they are being manipulated. (80, Kaiarahi – Family Court Navigator)*

*When there are issues around violence and there is a risk the call/video is used to attack the other parent verbally or the child is asked to hand the phone to the other parent. (178, Lawyer, Lawyer for the Child)*

*I do not agree that Court-ordered virtual contact with high conflict families is helpful for children. (109, Mediator, Child’s Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*If physical contact is being supervised for safety reasons, then virtual contact is problematic, the child becomes vulnerable to coercive behaviour virtually. Typically virtual contact would also need supervised, but supervision of virtual contact is very difficult to achieve. (122, Specialist report writer)*

*Apps like Snapchat, as this app would be unsuitable for family violence cases or high conflict as potentially inappropriate messages could be exchanged and then lost forever. (176, Lawyer, Lawyer for the Child)*

Concern was also expressed that virtual contact could be a means to **gain visual access to the other parent’s home** and potentially compromise their privacy.

*Where there is a perception that it is being used to intrude on the other parent's time or spy on them and their household. It is like having the contact parent "in" the home and creates huge stress and anxiety. (106, Family Court judge)*

*Where one parent is using it to get at the other parent, not as a communication tool for their child, for example, to see who is in the home. (87, Mediator, Child's Voice Specialist)*

*Where a parent using it to gather evidence against other parent by recording, etc., no privacy or if privacy, parent using time to interrogate child or criticise other parent, if gives parent opportunity to harass other parent or child without boundaries on how often used. (126, Lawyer, Lawyer for the Child, Mediator)*

*Family violence situations – provides an opportunity for perpetrator to continue coercive control via children and during video contact, by monitoring parent, commenting on parent, asking who is in the home, etc. (161, Lawyer)*

*When there are issues of family violence and the virtual contact is used as a means of prying into the other parent's life and home. (174, Lawyer)*

*Where there has been family violence between the parents; there is a sense that 'he' is invading my home and space with his face and his voice. (162, Family Court judge)*

Participants also thought virtual contact was inappropriate in situations (often involving family violence or high conflict) **when both parents did not agree to the contact and one or both obstructed or interfered** with it.

*If hostility between parties and none able to stop the [day-to-day parent] staying out of sight of camera but still directing the children's conversation. (71, Supervised contact provider)*

*No parental support or over-involvement in the sessions by facilitating parent. (92, Kaiarahi – Family Court Navigator)*

*When it is not fully agreed and supported. (125, Specialist report writer, Psychologist)*

*High conflict parents who have conflict in front of child or who use contact as a weapon by not having child available/deliberately frustrating contact from occurring. (120, Lawyer, Community Law)*

*Open animosity or when a parent has shown to be undermining the other parent's relationship with a child, especially if they are overseeing and supervising a small child. (140, Family Court counsellor)*

Some professionals thought that virtual contact should not be used if **children were babies or very young** due to difficulties engaging with them, but also in cases of family violence that might require the other parent to facilitate the contact due to the child's young age.

*When the children are too young, as it can create confusion for them, and is not always a productive method of contact. (102, FDR Case Manager)*

*Younger children are much more difficult to engage when using virtual contact. (158, Lawyer, Lawyer for the Child)*

*No good for maintaining attachment relationships for young children or where there is a history of disrupted/insecure attachments. (151, Family Court judge)*

*Child under 3 years should be very minimal. Important for the other parent to respect that small children or even older children may not be interested in talking for long. (168, Mediator)*

*When there is a history of family violence and child is very young and can't facilitate calls without other parent's assistance and being involved. The child cannot end it if something is inappropriate as they are not old enough to have the insight to do so. (192, Lawyer, Lawyer for the Child)*

Situations, particularly in cases of family violence, where **children were upset or triggered by virtual contact** were also seen as inappropriate for virtual contact to occur. It was also thought to be inappropriate in circumstances involving **trauma, abuse** and **parents behaving inappropriately**, by exposing children to inappropriate material, adult matters, or denigrating the other parent.

*Rarely appropriate where there has been significant family violence. Not appropriate if there is a pattern of the virtual contact parent getting very upset in front of the child, or saying mean things about the other parent or caregiver. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Family violence files – children can get upset by the contact for a number of reasons. Comments that are made that trigger their experiences with that parent. (176, Lawyer, Lawyer for the Child)*

*Where the child is likely to be exposed to unsafe or inappropriate material. (131, Counsellor/therapist, Child's Voice Specialist, Parenting Through Separation provider)*

*When the child fears the absent parent. When the absent parent is using the contact as a tool for conflict with the other parent. When the child is closely interrogated by the other parent, or when the other parent is criticised by the absent parent. (152, Family Court judge)*

*Only when a parent is having inappropriate conversations with the child. (171, Mediator)*

*Where parental conflict intrudes or where the contact parent makes inappropriate comments to the children. (64, Lawyer)*

*Where it is not supervised and there are issues with parents talking about court proceedings with children. (172, Lawyer)*

*When the parent having contact is unable to restrain themselves from denigrating the other parent or otherwise being abusive to the child. (61, Lawyer)*

*If being used to hijack other parent's contact or increase anxiety/attachment e.g., texting "I miss u". (121, Mediator)*

Some participants thought that **virtual contact could be difficult for children** due their busy lives or anxiety around contact and believed that virtual contact **should not be used if the child did not wish to participate**. Being inflexible around virtual contact and not focusing on children's needs was thought could lead to resentment and reluctance.

*When the child is unwilling, does not know what to say, when there has been a long period of estrangement. (103, Family Court counsellor)*

*Only if a parent has expectations on how long/often a child should talk to them – that's problematic and results in a child not wanting to connect with their parent. (165, Mediator)*

*Where the adults or child cannot engage positively due to past trauma, stress, illness or third party interference. If a child reports that they do not want the contact, LISTEN TO THEM. (215, Mediator, Supervised contact provider)*

*When the kids resist it. (163, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*Sticking to a schedule when children can have busy lives if they have to leave an activity because it's time to call Dad can lead to resentment. So, timing and the need for flexibility, but this often leads to disputes when children are younger and cannot facilitate the contact themselves. (116, Lawyer, Lawyer for the Child, Mediator)*

*Shouldn't be used if children are needing to be pressured to use it as it actually builds quite a bit of resentment towards the parent wanting contact. ... Where a parent is in prison for a long time, again, a child should not be pressured to take calls. (82, Kaiarahi – Family Court Navigator)*

*When child/ren not engaging or are unhappy to engage/have a reaction to Zoom/become frustrated with it. When they want to see the parent and hug and touch them, need skin connection then, if it is possible for this to happen, it should. (117, Counsellor/therapist, Supervised contact provider)*

*Where the child has developed an anxious or phobic reaction to the routine/expectation of virtual contact. A non-compliant child being "forced" into virtual contact is highly problematic, and may be indicative of negative parental*

*influence.* (109, Mediator, Counsellor/therapist, Family Court counsellor, Child's Voice Specialist)

Finally, a small number of participants mentioned structural issues that made virtual contact inappropriate or problematic, including inadequate technology, a lack of a safe or private place for virtual contact to occur, or if children had disabilities and could not communicate or use the technology. Situations involving either parents or children having mental health issues and parental addiction were also seen as problematic.

## Cultural and Other Considerations

The survey asked participants a series of open-ended questions about whether there were any cultural or other considerations in relation to virtual contact for: (a) particular ethnic and cultural groups such as Māori, Pasifika, Asian, immigrants, refugees or other cultures; and (b) particular situations (e.g., such as those involving disabled children and/or parents; very young children; family violence; parental imprisonment).

### Te Tiriti o Waitangi or Cultural Considerations in Relation to Virtual Contact for Māori and their Whānau

Over half (61%,  $n=82$ ) of the respondents to this question did not detail any considerations for Māori and their whānau – a fifth (21%,  $n=28$ ) skipped the question and 40% ( $n=54$ ) responded that there were not any, they were not aware of any, or didn't know or were unsure. Several of these participants noted that they did not feel qualified or did not have the expertise or knowledge to answer the question.

*None that I'm aware of, but being Pākehā it is more likely I am ignorant of these issues.* (141, Family Court counsellor, Counsellor/therapist)

*Do not have the knowledge to comment. Good question though.* (64, Lawyer)

*I don't have enough expertise in this area to comment.* (122, Specialist report writer)

*I'm not sure. It's not an area I have much experience in.* (65, Lawyer)

*Not qualified to answer sorry.* (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)

*I cannot speak on this as I am not of tangata whenua, nor do I have cultural links. None of my previous or current cases have required adjustments due to either of these factors.* (101, Supervised contact provider)

Another respondent, a supervised contact provider (79) thought that: "the concept of contact and virtual contact is a very Pākehā concept".

However, 39% ( $n=52$ ) of the professionals did provide a response detailing one or more considerations for Māori. Twelve participants mentioned **the importance of kanohi ke te**



**kanohi** (face to face) for Māori. Virtual contact by its very nature meant that this was not possible, and was at odds with traditional means of establishing and maintaining relationships and precluded activities such as participating in cultural events with whānau and the sharing of kai.

*Kanohi ki te kanohi is an important concept in Te Ao Māori and where possible, children should be able to see their whānau face to face. Being in the presence of a person is a powerful to connect and communicate, especially with whakapapa. (144, Mediator)*

*Kanohi ki te kanohi and contact a tinana is always best. That is traditional whakawhanaungatanga. It allows opportunities to see whānau, attend hui, wānanga participate in cultural events like Matatini with whānau. It means that things like the reo and tikanga can be practiced with your tamariki if you are knowledgeable in those. But we are in the modern age and as a Māori parent whose kōtiro loves her phone, of course I will do contact virtually. (184, Lawyer, Lawyer for the Child)*

*Definitely needs to be culturally sensitive. Face to face is the ultimate contact in adhering to the Te Tiriti o Waitangi, this allows touch, togetherness, belonging and sharing of kai. Virtual contact lacks the above. (211, Supervised contact provider)*

*Virtual contact does not allow for kanohi ki te kanohi communication to take place which, I understand, is an important cultural consideration when establishing contact for a whānau. (105, Lawyer)*

*Kanohi ki te kanohi contact is more in line with cultural norms. Contact with the broader whānau/whānui is not easy to maintain. (152, Family Court judge)*

*Kanohi ki te kanohi can't be replaced with video calls from my experience of whānau, including engagement in events. (63, Lawyer, Lawyer for the Child)*

However, there was recognition (particularly from supervised contact providers) that while face-to-face contact was preferable, there were situations when it was not possible or appropriate.

*I think there are huge cultural concerns in having virtual contact as opposed to kanohi ki te kanohi, but there are times when it would be inappropriate for tamariki to be with whānau. (79, Supervised contact provider)*

*Safety of the child should be paramount regardless of the Te Tiriti o Waitangi both physically and emotionally. (136, Supervised contact provider)*

Within the professionals' comments there was also a recognition of the **need for cultural awareness** and acknowledgment that **every whānau was unique**, with their own tikanga, values and needs.

*Cultural awareness and knowledge at service provider level is supportive of engaging with Māori for Māori. Language is part of this, along with understanding around the*

*uniqueness of each whānau group. (67, Specialist report writer, Supervised contact provider)*

*The cultural background of people engaging needs to be recognized and included in arrangements made, e.g., language skills, appropriate locations and expectations. (215, Supervised contact provider)*

*Pākehā tend to misunderstand cultural contact and they are worse when they think they understand. (206, Lawyer)*

*My limited experience is that is very much an individual situation, some people like to karakia when using the technology. (91, Psychologist)*

*Every home has its own tikanga to consider. As long as that is respected, it should go well. (168, Mediator)*

*That is up to the parties involved to work through and for a court to take into account from being informed by each party as to their views and values/tikanga. (218, Lawyer, Mediator, Child's Voice Specialist)*

**Consulting with whānau** and having discussions about tikanga was therefore recommended.

*To ask the whānau when setting up the structure what is important. (92, Family Court judge)*

*I think tikanga is the discussion that needs to be had before the agreement is finalised. It's outlining the why contact needs to happen or why it shouldn't from a Te Ao Māori lens ... not a research done in Switzerland, etc. as the basis for the korero ... so whānau can connect. ... Māori and non-Māori alike as it's our whenua's lens. (82, Kaiārahi – Family Court Navigator)*

*This should all be discussed prior with the parents and set in contract for calls. (71, Supervised contact provider)*

The **role of extended whānau** in virtual contact was the most commonly raised ( $n=15$ ) consideration in participants' responses. Many noted the **importance of identity and maintaining** connections to extended family for tamariki Māori and saw virtual contact as an opportunity to achieve this, particularly when whānau were separated geographically.

*Virtual contact does enable tamariki to stay connected with wider whānau (especially whānau overseas). (105, Lawyer)*

*Where important whānau members are physically absent from where the child lives- thus it is important to maintain a relationship with a key member of the child's whānau who may impart/fulfil important information about whakapapa or address spiritual or other cultural needs. (153, Family Court judge)*

*Virtual contact allows children to maintain their connection to their extended whānau when there are geographical distances. This may help maintain and strengthen a child's cultural identity. I am not sure what other cultural considerations may come into play, however I would be interested to learn more about this. (175, Lawyer)*

*Children should be encouraged to maintain contact with their whānau hapū and iwi and if virtual contact helps that it should be promoted. (164, Lawyer for the Child, Mediator)*

*The focus on whānau and connections within whānau would be my primary thought. There may be a role in virtual contact for facilitating whānau connections. (194, Specialist report writer, Psychologist)*

*The ability to have contact with wider whānau, keep connected with their turangawaewae and whānau members that hold the knowledge of their whakapapa. (176, Lawyer, Lawyer for the Child)*

*That the child's connection to the whānau is honoured and members of the whānau who have a relationship with the child, that these relationships are encouraged and kept warm. (103, Family Court counsellor)*

*Consideration needs to be made for contact with extended whānau, not just parents or those in current conflict. (74, Lawyer for the Child)*

*Māori are more likely to ask for wider whānau to be able to use it (Nanny for example). (91, Psychologist)*

Finally, a small number ( $n=4$ ) of participants mentioned barriers to the use of virtual contact by Māori, such as the inability to afford the **cost of virtual contact**.

*Have to consider poverty/income inequality. Some Māori whānau cannot afford the technology – either a phone/computer or more commonly data/wifi. (156, Lawyer)*

*Affordability and knowledge of apps to access the Internet. (160, Kaiārahi – Family Court Navigator)*

### **Cultural Considerations in Relation to Virtual Contact for Other Ethnic Groups**

Participants were also asked if there were any cultural considerations relating to virtual contact for other ethnic groups, such as Pasifika, Asian, immigrants, refugees or other cultures. Similar numbers of participants ( $n=51$ ) as for the previous question about virtual contact for Māori whānau, said that they did not know, were unsure, or were not aware of any, and a quarter ( $n=33$ ) skipped the question. Fifty professionals (37%) provided a response.

There was a sense in many of the comments that **cultural considerations are important for any ethnicity or culture**.

*Cultural considerations are not confined to tangata whenua and tangata tiriti. (206, Lawyer)*

*All other ethnic groups' culture must be considered by the judiciary under Te Tiriti o Waitangi to ensure the well-being of the child/ren and whānau are balanced and that this is upheld through their own respective cultural practices. (85, Kaiārahi – Family Court Navigator)*

*There are many cultural considerations to be aware of: belonging, togetherness, cultural rituals and sharing of kai. (211, Supervised contact provider)*

*I see no problem with virtual contact for any culture. However, I do not know the practices of all cultures. No-one has approached me regarding any concerns. (101, Supervised contact provider)*

Similar matters arose as to the responses to the question relating to considerations for Māori whānau. Again, participants noted that each family needed to be “considered on a **case-by-case basis**” and considerations “would vary according to each whānau” and these needed to be discussed with the parties.

*I rely on and am often guided by clients and their specific cultural needs when providing advice on or considering virtual contact in Family Court disputes. (105, Lawyer)*

*Across the board, I think every family should have the question asked what if any barriers there are for virtual contact regardless as there may be something that is followed in their household that I am not aware of. (87, Mediator, Child's Voice Specialist)*

*This should be asked and discussed with all parties prior to visits and rules put in place. (71, Supervised contact provider)*

*We consult with the parents to consider any requirements. (117, Counsellor/therapist, Supervised contact provider)*

*When and where it is appropriate it takes place and who should be involved. (69, Family Court judge)*

**Respect** was mentioned by some professionals, in respecting children's voice, and being mindful of respectful attire and behaviour.

*Again the respect stands. If either parent is the phone contact in a controlling manner, it's not good for the child to get caught up in the conflict. (168, Mediator)*

*If it's a video call to be mindful of what the parent is wearing and doing during contact and to be respectful of guidelines. (92, Family Court judge)*

*Respecting child to have a voice and be provided with support to participate as part of whānau. (133, Lawyer, Mediator, Child's Voice Specialist)*

While face-to-face contact was seen as preferable, participants noted that if geographical distances were involved then **virtual contact could assist families in maintaining connections and cultural identities.**

*Where important family members are physically absent from where the child lives – thus it is important to maintain a relationship with a key member of the child's family of origin who may impart/fulfil important information from country of origin or address spiritual or other cultural needs for the child. (153, Family Court judge)*

*Virtual contact allows children to maintain their connection to their extended whānau when there are geographical distances. This may help maintain and strengthen a child's cultural identity. I am not sure what other cultural considerations may come into play, however I would be interested to learn more about this. (175, Lawyer)*

*Important for children to communicate with wider whānau if they are geographically apart. (142, Lawyer)*

*Enable wider overseas whānau contact (possible multiscreen calls, etc.), understanding of other languages, cultural practices. (63, Lawyer, Lawyer for the Child)*

In this respect, virtual contact was seen to **include extended family** rather than being only about parent-child contact. However, one participant thought that the involvement of extended family could interfere with the parent-child relationship.

*Extended family being included in these calls and getting involved in circumstances when the focus needs to be on the development of the relationship between the child and the parent. (192, Lawyer, Lawyer for the Child)*

Only four participants commented specifically on considerations for **Pasifika families**, mentioning lack of access to the Internet and technology and counsellors, a focus on face-to-face interactions, and intergenerational issues.

*Pacific peoples are significantly affected by lack of access to digital and technological devices, fast and reliable internet broadband. Digital and online spaces are 'extraordinary spaces' for Pacific peoples who live in large and extensive kinship systems and are used to 'ordinary practices' of social and cultural face-to-face practices. (154, Family Court judge)*

*In terms of Pasifika, respect for ones parents is of high cultural importance. This may create strain on our Pasifika families when a child does not wish to engage fully in this medium. (113, Kaiārahi – Family Court Navigator)*

*Lack of Pasifika counsellors is an issue. (167, Family Court counsellor, social worker)*

*Some Pasifika families don't have reliable technology or are shy about virtual communication. (182, Family Court judge)*

**Language issues** were mentioned by 11 participants. Two professionals were positive about the opportunities provided by virtual contact for maintaining language.

*Retaining languages of origin can also be supported by virtual contact. (194, Specialist report writer, Psychologist)*

However, other professionals cautioned that language barriers could exist and create **safety concerns** or **require interpreters**.

*Virtual contact is more challenging for those whom have English as a second language. In some cases, by providing supervisors that speak other languages as well as English, this helps support various ethnic groups. In some cases where a language or dialect is less common, it may be that virtual contact is not suitable. Providers also need to know where they might initiate help for a client (i.e., contacting community agencies that might help support the person through supervised contact). (67, Specialist report writer, Supervised contact provider)*

*Cross-cultural problems, among refugee families are problematic face to face and virtually. Language barriers, can leave children exposed to manipulation. (150, Family Court judge)*

*Possible safety risk if cultural language is used and unknown to other parent. (160, Kaiārahi – Family Court Navigator)*

*Unsure if the conversations are monitored for safety, all conversations need to be fully understood of what is being said. (75, Supervised contact provider)*

*Interpreters are sometimes required where a parent for instance has a first language that is not shared by the child. (215, Supervised contact provider)*

*There is a real risk children may have become immersed in NZ Pākehā culture/language to an extent an absent parent cannot understand. Some bridging counselling may be required. The bridge may be difficult to cross if there is no kano ki te kano contact to assist. I note there has only just been approval for the funding of interpreters at supervised contact, presumably including virtual contact. (152, Family Court judge)*

*There can sometimes be language barriers between partners where they have met online are from different countries. (115, Community Law)*

Participants also noted **safety issues in general, particularly for immigrants and refugees**, not just in relation to language.

*There can be safety issues for refugees. (91, Psychologist)*

*Some immigrants/refugees have been traumatised, stigmatised or feel unsafe using virtual contact. Often corrupt government related. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*It's the awareness of the cultural expectations of relationship and the practices around that i.e., we have a Turkish wahine whom being separated from her husband is seen as a slight against her whole family. Being aware how that will impact the type of communication had ... who should be facilitating the virtual contact, i.e., a support worker a friend ... not herself. (82, Kaiārahi – Family Court Navigator)*

*Safety of the child should be paramount both physically and emotionally. (136, Supervised contact provider)*

Practical issues around **access to, knowledge of, or comfort with technology** was also raised as a consideration for some groups. **Time differences** for transnational situations was also mentioned.

*Possibly affordability and knowledge of apps to access the Internet. (160, Kaiārahi – Family Court Navigator)*

*Technology/resources issues. Also privacy for those on the other end of phone if in large family environments. (102, FDR Case Manager)*

*There may be some groups that do not feel comfortable with technology, although I cannot think of any issues for any cultures at this time. (128, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*Time differences, possibly less internet access (although this would be for any client suffering financial hardship). (148, Lawyer, Lawyer for the Child)*

There was a recognition from some professionals that immigrants could be well **used to having electronic contact with family members overseas**, so virtual contact would be familiar and acceptable to them.

*Many migrants rely on virtual contact to develop and maintain whānau relationships. Sometimes children within these families are already very adept at using virtual contact and may find this uncomplicated. (194, Specialist report writer, Psychologist)*

*I think these cultures would very much rely on virtual contact with loved ones overseas. (76, Social worker)*

*For many cultures, face to face is very important. However, even where this occurs, most are willing to accept virtual communication is a good alternative if cost (travel) and geographical distance is the barrier otherwise. (218, Lawyer, Mediator, Child's Voice Specialist)*

### **Considerations or Issues in Relation to Virtual Contact for Particular Situations**

Two-thirds of the professionals ( $n=90$ ) detailed considerations or issues relating to virtual contact for particular situations (such as those involving disabled children and/or parents; very young children; family violence; parental imprisonment). Sixteen per cent ( $n=22$ ) skipped the question and another 16% said that they did not know, were unsure, or were not aware of any.

#### ***Family violence***

Nearly half (42%,  $n=18$ ) of those who answered this question commented on considerations when family violence was an issue. Some professionals thought that **virtual contact was not appropriate at all** in this situation or needed to be closely supervised.

*Family violence: only rarely will it be appropriate, if the victim of family violence is the stay home parent. It is a very intense situation where a parent may be triggered into panic by the sound of the voice of the absent parent. (150, Family Court judge)*

*Some family violence matters are not appropriate for virtual contact especially where there is trauma around their experiences unless there was professional supervision. (176, Lawyer, Lawyer for the Child)*

*There needs to be repair before virtual or face-to-face access. (145, Family Court counsellor)*

*If there has been domestic violence or any kind of power and control issues this method is probably not appropriate as it would be too intrusive for the other parent. (89, Counsellor/therapist, Parenting Through Separation provider)*

As detailed earlier, in cases of family violence it was thought **virtual contact could pose a risk**, and a means to **perpetuate coercive control or further abuse**, particularly if the victim/survivor needed to be involved in facilitating the contact. It was also thought that for victims/survivors seeing or hearing the perpetrator via virtual contact could also be traumatising.

*There may be risks associated with virtual contact for children who have experienced family violence and trauma. These would be similar psychological risks to physical contact and it seems important that these factors are considered when considering virtual contact. (194, Specialist report writer, Psychologist)*

*There needs to be care taken that virtual contact is not used to encourage coercive or controlling behaviour. (148, Lawyer, Lawyer for the Child)*



*Family violence is certainly a specific consideration; risk of family violence if parents have to facilitate the phone contact. (156, Lawyer)*

*Need to consider the nature of the family violence and the effects the perpetrator may have upon the child who has witnessed the violence. (157, Lawyer, Lawyer for the Child, Mediator)*

*Family violence has potential for ongoing harm by undermining and virtual presence in other parent's home. (151, Family Court judge)*

*If there is a family violence situation, it can be difficult to ensure that parenting having contact is not using it as a means to continue coercive control. Can often be subtle at the time but clear pattern is usually evident. (161, Lawyer)*

*There are issues if virtual contact can open an opportunity for the violent party to learn more about, or spy on, the other parent. (210, Lawyer, Lawyer for the Child)*

*Being mindful that abusive behaviours can happen through virtual communication. (92, Family Court judge)*

*Where family harm or imprisonment is creating a physical barrier to face-to-face engagement between a parent and child, the virtual contact can be a great way to maintain connection. However, if family harm has been committed against the other parent or the child, psychological and emotional abuse are also likely to be part of the dynamic. Therefore, serious consideration of supervision at least for a time at the beginning of the virtual contact can be beneficial to ensure ongoing safety. (144, Mediator)*

*Children cannot bond effectively with their parents through a screen. However, in cases of family violence it may be safer to do so until the parent has taken steps to better their behaviour. Using virtual contact can in some cases assist a child to build up the confidence to see a parent in person. (101, Supervised contact provider)*

The professionals therefore noted the need to ensure the safety of both the child(ren) and the resident parent, which might require **monitoring, supervision, recording of contact**, or risk assessment.

*In terms of situations where there is family violence, making sure that there is a third party to monitor the call, that the call happens in one place and the respondent is not shown through the home. If the applicant has a new number that they do not want to disclose, then using Facebook Messenger for the calls and unblocking the other party when the calls are made. (175, Lawyer)*

*I think in the case of family violence there may be more need for a neutral facilitator of such contact if the child is unable to or too young to do this themselves. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*For matters with family violence, the contact needs to be set up properly and carefully monitored if safety is an issue. (197, Lawyer)*

*In any situation where family violence has been identified there should be a risk assessment about the potential for misuse. (91, Psychologist)*

*Access to safe confidential space. After care for children when there has been significant trauma/ family violence. Allowing children to end contact if they feel uncomfortable. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*Often this contact needs to be supervised, to make sure the content is appropriate and child focused. This can be a learning curve for those learning to be violence free. (76, Social worker)*

*Automatically recording and safely storing communication where record is required especially in early stages. (182, Family Court judge)*

*In cases of negative separation, there should always be a third party to supervise access in the event of attempts to manipulate and or coerce the child against the parent they live with. (101, Supervised contact provider)*

One participant also noted that what might constitute a breach of a Protection Order needed to be considered.

### ***Parental imprisonment***

Virtual or phone contact when a parent was in prison was regarded as problematic by most of the 16 professionals who commented on this topic. This was largely due to structural barriers such as a lack of access to the necessary technology or equipment, prison regulations and processes, and difficulties organising contact. These in turn could result in scheduled contact not occurring as planned, which could lead to children being disappointed. Parental unwillingness for this take place could also occur.

*Parental imprisonment means nil virtual contact between parent and tamariki. (74, Lawyer for the Child)*

*Parental imprisonment makes virtual contact very difficult. Many parents not willing for virtual contact in this situation. (156, Lawyer)*

*Contact between parties where a parent is incarcerated has the added challenge of negotiating with the prison and being able to deliver services that meet the prison's strict requirements. (67, Specialist report writer, Supervised contact provider)*

*If parent is in prison it is important to understand the prison rules. (61, Lawyer)*

*Prison forms need to be approved for contact and this can take several weeks. (92, Family Court judge)*

*Virtual contact for parents incarcerated is almost near to impossible to arrange unless client has a good relationship with prison guard who counsel can email for contact. (199, Lawyer, Community Law)*

*It is very difficult to arrange any form of virtual contact let alone actual contact between parents and children who are in prison. More should be done to facilitate this type of contact. (215, Supervised contact provider)*

*Not really able to comment but my one client in prison loved his phone calls with his son. However, that is up to the availability of phones in prison and, from recent experience, that is a very vexed issue as there don't seem to be enough phones available for remand prisoners anyway. (64, Lawyer)*

Participants also thought care needed to be taken about the context of the video call taking place in prison and in situations when children did not know their parent was in prison.

*Parental imprisonment – works well, but in some situations children haven't been told the adult is in prison and then it gets difficult as they can tell the context of video-conferencing isn't normative. Tend to get scheduling problems with prison and cancellations which disappoint the children. (122, Specialist report writer)*

*Some whānau chose not to tell a young child that their parent is imprisoned, so virtual contact may not be appropriate (e.g., easier if face to face and the extended whānau have told the child they are going to Dad's office). (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Need some care around parental imprisonment, as to the environment, especially with a video call. (157, Lawyer, Lawyer for the Child, Mediator)*

## **Disability**

Eighteen participants commented on considerations for disabled children (and parents), particularly those who are neurodiverse, have speech, hearing and/or vision impairments, or have physical issues which make device use difficult or require assisted devices and support. It was thought that disabled children could struggle with virtual contact and engaging and focusing via technology and consideration needed to be given to how to incorporate their particular needs.

*Difficult for young children/children with disabilities to operate a device which means a parent has to get involved. (142, Lawyer)*

*Arrangements need to take into account a child's communication abilities, factors such as ADHD and ASD can have significant impact. (122, Specialist report writer)*

*Special needs children may need extra facilitation by others to be able to engage. This is not just about speech, which some children do not have, but the opportunity to see and talk and make an emotional connection. (215, Supervised contact provider)*

*Depending on the severity of their disability, a child may not be able to engage or gain a lot from the virtual contact. (175, Lawyer)*

*Hyperactivity/ADHD features can undermine the focus required. Short and often better. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Neurodiverse or very young children – may find it harder to engage via technology e.g., video call. (198, Lawyer, Community Law)*

*There would need to be flexibility for high needs children and what might be happening at the time the call was scheduled. (76, Social worker)*

Several professionals also noted that parental lack of understanding of a child's disability or unrealistic expectations could result in their behaviour or lack of engagement being misinterpreted, and the other parent blamed. The need for education and support to assist parents with virtual contact with disabled children was suggested.

*A language-compromised child will struggle unless a language substitute activity is carefully planned and available. Behavioural diversity includes uneven impulsive behaviour which can easily be blamed on one parent or the other fuelling conflict. It's particularly hard with blind or profoundly deaf. (150, Family Court judge)*

*The absent parent in my experience may not appreciate or not acknowledge the difficulties the differently able child faces. Specialised parenting courses or counselling MAY be indicated/helpful, but only if the absent parent is able/willing to learn. (152, Family Court judge)*

*Need to know what suits the child e.g., length of contact appropriate, child led, etc., not blame other parent for non-engagement if child having a bad day/tired, etc., else escalates adult issues. (63, Lawyer, Lawyer for the Child)*

*Education around what is appropriate for whānau with disabilities. (98, Kaiārahi – Family Court Navigator)*

*For parents to lower their expectations of the child during virtual contact as [they] may not be able to or even like communicating verbally so being creative with other styles of communication and interaction. (92, Family Court judge)*

It was also thought that consideration needed to be given to accommodating disabled parents' needs and the provision and use of aids such as transcription options.

*We would like ordered that a person who is disabled be able to replace the session with Zoom. This is often declined by the other parent. (117, Counsellor/therapist, Supervised contact provider)*

*Some autistic people prefer virtual contact by way of text and email compared to a phone call or Zoom for example. (73, Lawyer)*

Participants also detailed considerations or issues relating to a child's young age. These responses are included the following broader section about children's ages in relation to virtual contact.

## **Child Age**

The age of the child also emerged as a factor that could influence children's ability to use technology, with a young age seen as a barrier to the use of virtual contact. A child being too young to use technology was also an issue that 87% of the participants indicated was a challenge the families/whānau they worked with reported to them. However, it was not reported to be one of the most common complaints from parents/whānau to professionals (see Tables 12 and 13).

The survey asked participants to comment on children's ages and/or generational issues relating to virtual contact. Over half (57%,  $n=76$ ) provided a response. Many of the participants noted that **children today having grown up with technology are very familiar and adept with technology** and often **more competent and "tech savvy" than other generations**, such as their parents or grandparents. Older people (particularly grandparents) were thought to struggle with technology by some professionals.

*Children and young people are very adaptive to tech, much faster than parents. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*Children are more accustomed to technology, so would be better equipped to use for virtual contact. (102, FDR Case Manager)*

*Children are very tech savvy and use it to communicate with their friends as a norm, for them to carry this over to interacting with their parents probably isn't a stretch. The age may depend more on what the parents feel is appropriate and the limits on screen time in the home. It may provide some positives if the child has to help the parent navigate a new technology with that interaction. (87, Mediator, Child's Voice Specialist)*

*Children perhaps being more familiar with these resources than their parents. (160, Kaiārahi – Family Court Navigator)*

*Often children have more knowledge of mediums for virtual contact for parents. (161, Lawyer)*

*The experience of children and young people now growing up with social media and access to technology for communication is vastly different to the experience of their parents. At times it is more like two generations difference to their parents' experience and knowledge of technology growing up (if their parents are about 30s or 40s). This can reduce the level of engagement between both the parent and the child/young person. (144, Mediator)*

While children's adeptness with technology was generally regarded as something positive by the professionals, two related issues were raised. First, while children were seen as being very familiar with technology use, participants thought that their awareness of **safety issues** could be lacking and care needed to be taken to ensure their safety – from both internet risks and being exposed to parental issues.

*While children may be very technologically competent they (in my experience) have a poor grasp on internet and computer safety. The younger they are the more this is relevant. They are thus particularly vulnerable in the remote context to coercion and becoming involved in conflict. (194, Specialist report writer, Psychologist)*

*Children are technologically savvy at a young age so are using the phone/device at an early age – but for safety purposes, this should be monitored. (75, Supervised contact provider)*

*Children very young can manage Snapchat, etc. but you don't want them having access at that age. (116, Lawyer, Lawyer for the Child, Mediator)*

*Children need to be at an age where they can understand the danger of using virtual contact independently before they can do so. Children can use virtual contact easily at young ages, however, using it safely is a completely different thing. (101, Supervised contact provider)*

*Use of smart phone too young – exposure to porn, violence, bullying, etc. (131, Counsellor/therapist, Child's Voice Specialist, Parenting Through Separation provider)*

*Need to ensure virtual contact does not unnecessarily expose them to risks associated with social media and other abuse. (182, Family Court judge)*

*Children are more savvy than we think and need protecting from the many pitfalls of any of this kind of contact (including that parents can manipulate situations using the children. (130, Counsellor/therapist, Family Court counsellor)*

Second, the mismatch in technology knowledge between generations, meant that sometimes **adults were not aware of the risks** of certain platforms and devices and consequently could not protect children.

*Children in care of grandparents/older generation caregivers can be at risk due to caregivers unfamiliarity with tech and tech risks. (196, Lawyer, Lawyer for the Child)*

*Children needing guidance about dangers or risks over-reliance on this medium Lack of knowledge of parents in being able to guide as above or in practical use. (141, Family Court counsellor, Counsellor/therapist)*

*When parents do not understand those aspects of social media where the contents can be viewed by a lot of people, e.g., Facebook, friends of friends. Privacy concerns. (103, Family Court counsellor)*

*Too many children are given a phone with very minimal restrictions. (157, Lawyer, Lawyer for the Child, Mediator)*

*Parents need help understanding the dangers and increasing safety for their children online period. Children push for freedom without understanding the dangers of hackers entering games, grooming, chat rooms – not knowing who is really on the other end. (76, Social worker)*

Responses to several questions focused on **virtual contact with very young children**. While children were seen as technologically savvy, the suitability of virtual contact for very young children (particularly under three years of age) was raised. Participants noted that very young children can struggle with virtual contact and that it is not always appropriate or effective for this age group. The professionals detailed issues such as the difficulty very young children have with engaging and remaining focused through this mode of communication and the need for virtual contact with young children to be facilitated by another person. Some thought that parents could have unrealistic expectations of virtual contact with young children and that virtual contact therefore needed to be age appropriate.

*If they are too young it's really not effective at all. (65, Lawyer)*

*Children under the age of 3 are harder to get to engage sitting in front of a device for a long period of time. (217, Mediator, Supervised Contact Provider)*

*I hold concerns that there is a push for very young children to engage with virtual contact and the response to this have been mixed. Specifically, I have one whanau who reached an agreement to video calls for a young child but the child did not engage with the video calls and this impacted the relationships between the parties and between the parent and child. (105, Lawyer)*

*Children under the age of 3 have great difficulty interacting virtually due to developmental age/stage. (77, Supervised contact provider)*

*Children as young as 2–3 can muck around on a device but for meaningful communication totally different story. (82, Kaiārahi – Family Court Navigator)*

*Very young children struggle with virtual contact, especially if this is the only contact. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*Virtual contact would not be appropriate if the children were too young to engage in it. (175, Lawyer)*

*Very young children – hard to see how they can benefit e.g., no object constancy – what is being achieved? (151, Family Court judge)*

*Very young children may not gain much from virtual contact, because there is no touch, smell, hug, feeding them involved. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

Therefore, the professionals recommended **virtual contact be brief, regular and frequent for young children.**

*It is reported to me that very young children find it easier coming and going from the screen and having briefer contact calls. (194, Specialist report writer, Psychologist)*

*Tailor the contact to the child – e.g., young children short regular calls. Chatting while playing. (196, Lawyer, Lawyer for the Child)*

*Virtual contact with very young children can be difficult and may only occur for minimal time. (176, Lawyer, Lawyer for the Child)*

*For young children, they can struggle to engage with virtual contact. So, very regular contact for short times is a good way to keep the connection going. (144, Mediator)*

*Very young children – limited duration, but high frequency. (120, Lawyer, Community Law)*

*In my experience children under 3 are not able to sustain virtual contact for more than a few minutes. (136, Supervised contact provider)*

*Attention focus can be an issue so expectations that the calls should be short and sometimes may be very, very short or unable to occur because a child cannot. (116, Lawyer, Lawyer for the Child, Mediator)*

As outlined earlier, concerns were also expressed that sometimes **parents had unreasonable expectations** about the timeframes and very young children's abilities to engage virtually.

*Parents often think of their time frames for virtual contact – e.g., an hour with a baby when only a very short time is likely to be effective. (185, Lawyer, Lawyer for the Child)*

*Don't expect pre-schoolers to want to talk for more than a few minutes maximum – unrealistic expectations by parents about this. Also, the frequency – they don't usually want to speak too often – it becomes a CHORE. (165, Mediator)*

*Some children are either too young or the expectations of the other parent is too great for it to be an enjoyable form of contact. (168, Mediator)*



*Age specific expectations need to apply. (210, Lawyer, Lawyer for the Child)*

*We also encounter a number of clients seeking virtual contact with very young children and it is our experience that this is often unsuccessful and results in disappointment for the parties involved. It is also unclear what (if any) benefit there is to younger children engaging in virtual contact and more information on this would be valuable to the profession. (105, Lawyer)*

The participants also noted that very young children in particular needed virtual contact to be **facilitated by an engaged adult** (or others).

*Very young children require the parent to interact such as story reading, drawing, engaging at age appropriate level. Parents often need psychoeducation and support for this. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Very young children will need an adult helping with the contact especially babies and toddlers. (92, Family Court judge)*

*With very young children, the parent engaging in the virtual contact needs clear advice and guidance around the fact the child may be into the video call for all of a minute or two and not be frustrated with that. (197, Lawyer)*

*For very young children – highly dependent on role of support adult or siblings. (121, Mediator)*

Suggestions for ways in which parents could engage with very young children **included non-verbal activities**, such as playing games or playing with toys and musical instruments, dancing, and drawing.

*Parents should be aware very young children may not want to talk for long and doing an activity such as a story or drawing over the call (if a video call) will keep their interest longer. (148, Lawyer, Lawyer for the Child)*

*Younger children need participating parents to have some colourful, and noise producing options, such as squeaky toys, musical instruments (i.e., ukulele), other toys, Lego, balloons, or things that might grab the child's attention. (67, Specialist report writer, Supervised contact provider)*

*Very young children: game playing, whiteboard drawing, wide enough screen capture to enable a toddler to show off dance moves can work. It may work better with creative facilitating adult with the child. (150, Family Court judge)*

While many of the participants' comments focused on younger children, a few mentioned older children. For **teenagers**, they noted that many apps or social media required children to be 13 years of age or over, and commented on young people's reluctance to have real-time

or video contact. The importance of parents understanding young people's virtual communication styles and the mediums they used and preferred was also stressed.

*For older teens, the parents need to exercise patience. At times teens may not want to show their faces in a virtual video call, this is okay. (67, Specialist report writer, Supervised contact provider)*

*Young people do not necessarily like "real time" contact, such as phone calls and video calls, and they prefer messages or communication they can respond to over time. Real time contact can cause anxiety for young people and feelings of rejection for parents if they prefer phone or video calls. (144, Mediator)*

*Older parents need to be familiar with the brevity of teenagers' messaging style and not be offended. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Issues with social media/apps having minimum ages in terms of service – usually 13. (198, Lawyer, Community Law)*

*For older children entering teenage years Snapchat and TikTok are useful ways of letting the child know you are thinking of them, staying engaged and understanding what is important to the child – however many adults seem resistant to trying this. (121, Mediator)*

*When older children have established positive relationships with parents they are more likely to have meaningful virtual contact, be able to have this independently without interference and more likely to be able to use devices autonomously. (194, Specialist report writer, Psychologist)*

One participant, a Family Court judge, thought that there was a "window of opportunity" where virtual contact worked best, around 6 to 12 years.

*There is a window of opportunity for engagement in virtual contact – too young and there is an inability to engage; too old and there is an unwillingness to engage. The optimal ages appears to be 6/7-11/12. (69, Family Court judge)*

Other participants thought that focusing on age was not helpful, and that virtual contact use was **dependent on the individual child**, and on their developmental level, familiarity with technology, the type of technology, and capability, and the context of the situation. Comments also reflected the view that with the appropriate support and facilitation children of any age could have virtual contact.

*Children of any age can have contact, at younger ages this needs to be facilitated by adults. (123, Psychologist)*

*Age is irrelevant. It is support that is important. (164, Lawyer for the Child, Mediator)*

*Age ranges can only provide a broad guide. It will depend on the maturity, cognitive abilities and skills of a child. (I am basing my answers on experience with grandchildren who live overseas and where there is a high degree of co-operation and support, as opposed to what I know through my role as a judge). (153, Family Court judge)*

*Case by case, this is affected by each child's capacity. (167, Family Court counsellor, social worker)*

*It really depends of how all forms of media are already used (i.e., with grandparents) My three-year-old grandson has been engaging in this way well since he was about 2, he's well supported. In contrast my much older granddaughter, with autism, is only now (10) really using it well. (93, Psychologist)*

*It will be dependent on each child. Some children at aged 4 or 5 are very tech savvy already and could be fine to take video calls by recognising what a call looks like on a device while other 12–14-year-olds who have had limited screen time may not know how to use devices. (176, Lawyer, Lawyer for the Child)*

*There may be age guidelines, but actual age considerations must be personal to the child involved. (206, Lawyer)*

*This is totally child dependent and also depends on the values of the parents/guardians. Needs situational context. (218, Lawyer, Mediator, Child's Voice Specialist)*

### **Age Ranges for Modes of Communication**

The survey also asked participants the lowest age range that they believed children could easily use different types of communication or virtual contact activities, *with* and *without* the assistance of facilitation of another person (see Table 14).

As shown in Table 14, there were some activities/technologies that the professionals were unsure about the age children could easily use or thought were not appropriate at any age. The percentages of those indicating they were unsure or didn't know the youngest age a child could easily use each technology are highlighted in yellow. Small numbers (around 5% or less) were unsure about the youngest age range children could easily have virtual contact via phone calls, texting (either by mobile SMS or via apps/social media), emailing or video calling, either independently or assisted. Greater numbers were unsure about social media posting, sharing photos or videos, and playing online or app games. As these were the three activities that the professionals were less familiar with themselves (see Figure 1), this could account for this uncertainty.

Small numbers of participants (less than 10%) thought that children could not easily use virtual contact communication modes at any age (highlighted in blue on Table 14). Again, children posting on social media, sharing photos or videos, and playing online or app games with a parent were the activities that greater proportions of the participants thought children of any age could not easily use, independently or assisted.

**Table 14: Lowest age range that children can easily use technology**

	Independently	Assisted
Phone calls (landline or mobile phone)	(n=134)	(n=134)
Under 3 years	3.0%	39.6%
3–5 years	20.9%	43.3%
6–9 years	60.4%	11.9%
10–12 years	7.5%	3.7%
13–15 years	3.0%	0.0%
16+ years	2.2%	0.0%
Not at any age	0.0%	0.0%
Don't know/Not sure	3.0%	1.5%
Texting/SMS messaging via mobile phone	(n=134)	(n=134)
Under 3 years	0%	7.5%
3–5 years	1.5%	24.6%
6–9 years	43.3%	50.7%
10–12 years	42.5%	14.2%
13–15 years	8.2%	0.7%
16+ years	3.0%	0.0%
Not at any age	0.0%	0.0%
Don't know/Not sure	1.5%	2.2%
Text messaging via apps or social media	(n=134)	
Under 3 years	0.0%	6.0%
3–5 years	3.0%	20.9%
6–9 years	37.3%	47.0%
10–12 years	35.1%	15.7%
13–15 years	16.4%	4.5%
16+ years	3.7%	0.7%
Not at any age	0.7%	1.5%
Don't know/Not sure	3.7%	3.7%
Emailing	(n=134)	(n=134)
Under 3 years	0.0%	3.0%
3–5 years	0.7%	12.7%
6–9 years	18.7%	38.8%
10–12 years	45.5%	28.4%
13–15 years	22.4%	7.5%
16+ years	6.0%	2.2%
Not at any age	2.2%	2.2%
Don't know/Not sure	4.5%	5.2%

	Independently	Assisted
Video-calling	(n=134)	(n=134)
Under 3 years	6.0%	46.3%
3–5 years	21.6%	27.6%
6–9 years	47.8%	13.4%
10–12 years	14.9%	6.7%
13–15 years	5.2%	1.5%
16+ years	3.0%	0.7%
Not at any age	0.0%	1.5%
Don't know/Not sure	1.5%	2.2%
Social media posting	(n=134)	(n=133)
Under 3 years	0.7%	3.8%
3–5 years	0.0%	9.8%
6–9 years	9.7%	23.3%
10–12 years	23.9%	25.6%
13–15 years	36.6%	14.3%
16+ years	14.2%	6.0%
Not at any age	7.5%	6.0%
Don't know/Not sure	7.5%	11.3%
Sharing photos and videos via apps	(n=133)	(n=133)
Under 3 years	0.8%	7.5%
3–5 years	1.5%	10.4%
6–9 years	14.3%	33.6%
10–12 years	24.8%	19.4%
13–15 years	30.8%	14.2%
16+ years	10.5%	3.0%
Not at any age	7.5%	5.2%
Don't know/Not sure	9.8%	6.7%
Playing online or app games	(n=133)	(n=134)
Under 3 years	1.5%	4.5%
3–5 years	4.5%	15.8%
6–9 years	28.6%	33.8%
10–12 years	20.3%	11.8%
13–15 years	14.3%	8.8%
16+ years	10.5%	5.8%
Not at any age	5.3%	5.8%
Don't know/Not sure	15.0%	15.8%

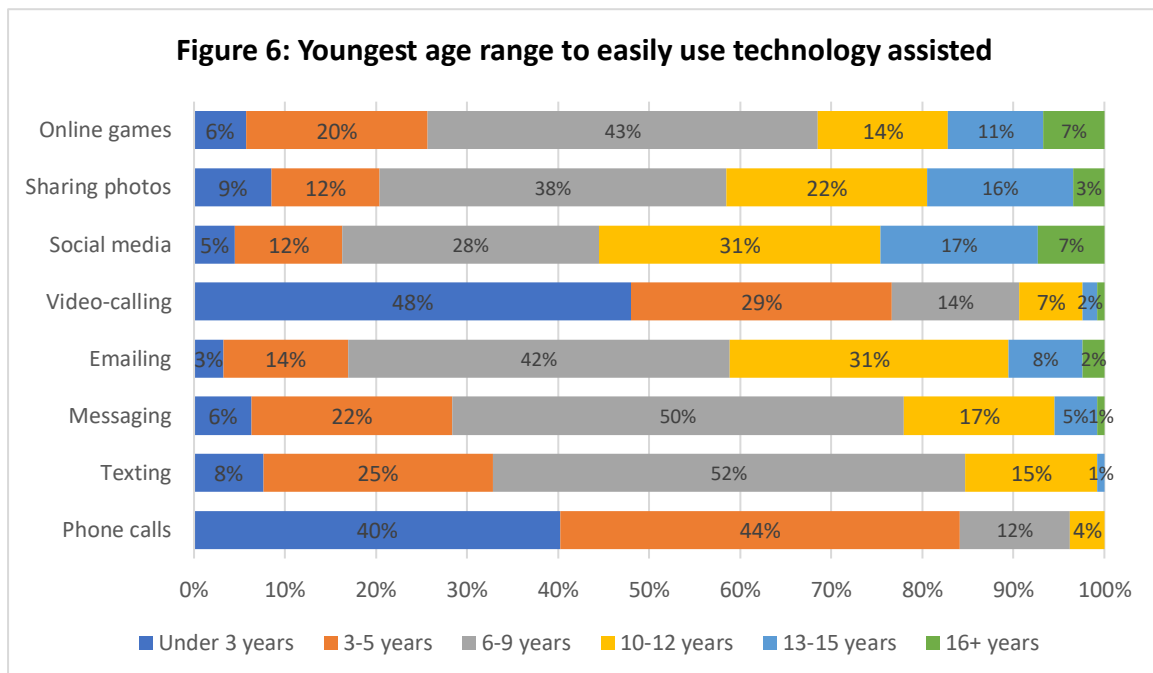
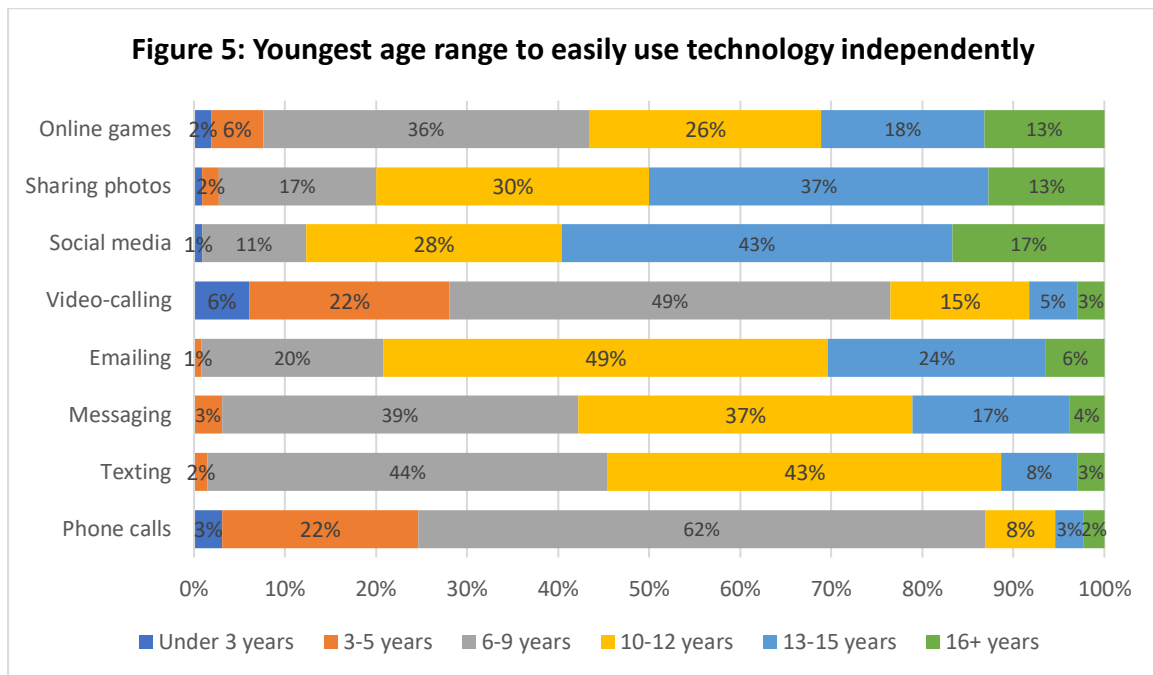
Table 15, re-presents the findings reporting on only those of the participants who indicated a particular age range that they thought children could easily use the technology (excluding those who selected 'don't know' or 'not at any age'). The highest percentage in each category is highlighted in yellow. Unsurprisingly, for many of the modes of communication, participants believed that a younger age range could use the technology when assisted rather than independently.

**Table 15: Lowest age range that children can easily use technology (valid percentages)**

	Independently	Assisted
Phone calls (landline or mobile phone)	(n=130)	(n=132)
Under 3 years	3.1%	40.2%
3–5 years	21.5%	43.9%
6–9 years	62.3%	12.1%
10–12 years	7.7%	3.8%
13–15 years	3.1%	0.0%
16+ years	2.3%	0.0%
Texting/SMS messaging via mobile phone	(n=132)	(n=131)
Under 3 years	0.0%	7.6%
3–5 years	1.5%	25.2%
6–9 years	43.9%	51.9%
10–12 years	43.2%	14.5%
13–15 years	8.3%	0.8%
16+ years	3.0%	0.0%
Text messaging via apps or social media	(n=128)	(n=127)
Under 3 years	0.0%	6.3%
3–5 years	3.1%	22.0%
6–9 years	39.1%	49.6%
10–12 years	36.7%	16.5%
13–15 years	17.2%	4.7%
16+ years	3.9%	0.8%
Emailing	(n=125)	(n=124)
Under 3 years	0.0%	3.2%
3–5 years	0.8%	13.7%
6–9 years	20.0%	41.9%
10–12 years	48.8%	30.6%
13–15 years	24.0%	8.1%
16+ years	6.4%	2.4%
Video-calling	(n=132)	(n=129)
Under 3 years	6.1%	48.1%
3–5 years	22.0%	28.7%
6–9 years	48.5%	14.0%
10–12 years	15.2%	7.0%
13–15 years	5.3%	1.6%
16+ years	3.0%	0.8%
Social media posting	(n=114)	(n=110)
Under 3 years	0.9%	4.5%
3–5 years	0.0%	11.8%
6–9 years	11.4%	28.2%
10–12 years	28.1%	30.9%
13–15 years	43.0%	17.3%
16+ years	16.7%	7.3%

	Independently	Assisted
Sharing photos and videos via apps	(n=110)	(n=118)
Under 3 years	0.9%	8.5%
3–5 years	1.8%	11.9%
6–9 years	17.3%	38.1%
10–12 years	30.0%	22.0%
13–15 years	37.3%	16.1%
16+ years	12.7%	3.4%
Playing online or app games	(n=106)	(n=105)
Under 3 years	1.9%	5.7%
3–5 years	5.7%	20.0%
6–9 years	35.8%	42.9%
10–12 years	25.5%	14.3%
13–15 years	17.9%	10.5%
16+ years	13.2%	6.7%

Figures 5 and 6 present the information in Table 15 graphically.



As seen in Table 15 and Figure 5 and Figure 6, the following trends emerged in professionals' views on the ease of use of virtual contact modes of communication for particular age ranges of children:

- Under-three-year-olds** – few participants saw children of this age being able to independently use any technology. However, nearly half (48%) thought they could easily video call with assistance, and one in four thought they could make phone calls assisted.



- **3–5-year-olds** – Similar to those aged under three, most professionals did not think this age group could independently use any technology easily. However, just over a fifth (22%) thought that children could independently make phone calls and video calls, and 29% and 44% respectively thought they could do so with assistance. One quarter of the participants thought that children could send text messages/SMS via mobile phone easily, and a fifth thought they could play online games, if assisted.
- **6–9 year-olds** – At this age, more participants started to think that children could easily use technology both independently and with assistance. For instance, 62% thought children of this age could easily make phone calls independently at this age and almost half (49%) believed they could make video calls independently. At this age, the professionals believed an increased ability to communicate *with assistance* via text-based modes of communication (texting via mobile phone, messaging via apps or social media, and emailing) was possible – 52%, 50% and 42% respectively. However, even texting and messaging via apps *independently* was seen as easily achieved by 44% and 39% of the participants respectively. Over a third (36%) of the participants thought this age group could easily play online games independently, and 43% thought they could do so with assistance.
- **10–12-year-olds** – Participants also viewed this age range as being easily able to communicate via text-based modes *independently*, such as texting via mobile phone (43%), messaging via apps or social media (37%), and emailing (49%).
- **13–15-year-olds** – At this age range, professionals saw children as less in need of assistance to use technology, and around 40% saw them as being able to easily use social media (43%) and share photos and videos (37%).
- **16+ years** – Very few professionals (7% or less) thought that young people aged 16 and over needed assistance to easily use technology. Small numbers also saw this as the youngest age to use the technology independently, with around 15% believing this was the youngest age who could easily use social media (17%), play online games (13%) or share photos and videos (13%).

## Messages for Parents/Caregivers

The professionals were asked what tips or advice about post-separation virtual contact they would share with parents/caregivers and/or children. The majority (81%) provided a response. By far the most common response was to keep the contact **child focused and/or child led**. This included advice about being sensitive to individual children’s needs, not forcing or pushing contact if the child was reluctant, ensuring the times and duration of virtual contact met the child’s needs, and viewing contact as meeting children’s, rather than parental, needs.

*Keep it child focused, fun and interesting, follow a child’s interests, e.g. send video or live stream of a pet doing something funny, insects, etc. (111, Supervised contact provider)*

*Keep it entirely child focused. Respond to the expressed and unexpressed wishes and feelings of the child. (149, Family Court judge)*

*Keep it short and interesting for the child and be sensitive to the child and how they are responding. (64, Lawyer)*

*Consider the time that the children can stay focused and cater the virtual contact around that, rather than your needs as a parent. (175, Lawyer)*

*Keep the contact child focused. Virtual contact is at more risk to become adult- and issue-focused than face-to-face contact. Take your time to think about your child's age and developmental stage when navigating the virtual contact realm. Parents generally know their children best and are in the best position to figure out what contact is needed. Also, try lots of different forms of contact. If a form of virtual contact doesn't work, try it again and then try something else. There are so many variables: time of day, length of virtual contact, type of contact. But keep at it, there will be one that probably works best for your child. (144, Mediator)*

*No pressure on tamariki to engage in this form of communication. Parents should recognise the limitations of virtual contact and support and encourage meaningful communication. (74, Lawyer for the Child)*

*Be encouraging, upbeat, and schedule it at a time that works for the child/children. They come first. (65, Lawyer)*

Many professionals advised parents to **let the child dictate the duration** of contact and be free to end it when they chose, and to **keep timeframes brief**.

*Do not enforce the contact. Little and often. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Keep a set time, but the child doesn't have to stick to it (the parent does, unless extreme situation, then a message to explain). (76, Social worker)*

*Make it at regular time. Keep it fairly short for younger children. Let the child decide when they have had enough. (217, Mediator, Supervised Contact Provider)*

*That it should focus on the child and not trying to pry. Doesn't need to be long calls, etc. It is just about maintaining that bond and being part of the child's daily life. (174, Lawyer)*

*Talk to tamariki about the contact, be clear that it's okay for them to run out of things to say and want to end the contact. Tamariki need to be made to feel that they are in control of the contact not the adults, this is their relationship with the parent. (79, Supervised contact provider)*

*Be child led. This week the video call might be 15 minutes and in 3 days it might be 2 minutes. Try and engage the child in conversation, a game, reading a story and don't persist once they seem over it. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*Short contact is fine for kids, 2 minutes might be enough for them. (191, Lawyer, Lawyer for the Child)*

*Keep it short and interesting and about ordinary things and allow the child to direct length of time. (179, Lawyer, Lawyer for the Child, Mediator)*

*Short and positive is best rather than long and boring or negative. (126, Lawyer, Lawyer for the Child, Mediator)*

*Parents need to understand that video calls should be child led. Sometimes children, so don't feel like talking on a video call on a strict schedule. (115, Community Law)*

*Let it be child focused and if the child wants to end the virtual contact – to allow them. (77, Supervised contact provider)*

*Child led – “any time a child wants to contact a parent this will be facilitated”. Repeat this message to your children so they feel able to. (165, Mediator)*

Various suggestions were made to parents about **how to engage with children virtually**. These included being creative and making contact fun and interesting, ensuring the other parent was up to date with the child's life to enable conversations about matters relevant to the child, and engaging in a range of activities, not just talking.

*Be open minded about it. Support your children with it. Find ways to get younger children to engage in it. Let the teens take the lead on what they are comfortable with. Tell parents to keep trying – you won't always get a response from a child but they will read messages or look at photos and it keeps you in their mind. (181, Lawyer, Lawyer for the Child)*

*Encourage regular contact, child driven regarding length of call, do something with the child e.g., read a book, play a game remotely, read daycare/school newsletter so they know what is happening to ask meaningful questions, follow up on any discussions previously had to show listening/caring. (63, Lawyer, Lawyer for the Child)*

*Be realistic about age-appropriate communication. Look for other ways to communicate rather than just questions and answers. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*I think the parent not used to frequent contact could use some coaching around successful communication and relationship strategies, and age/stage behaviours. (129, Mediator, Child's Voice Specialist, Parenting Through Separation provider)*

*Be patient. Try to encourage a conversation or you will only obtain Y or N answers. Limit ongoing questions. (169, Mediator)*

*It's good to make the virtual contact engaging for children e.g., if video calling, read a story or play music with children. (209, Social worker, Parenting Through Separation provider)*

*To keep it interesting, show them round where you stay, show them the pets, get other family members to say hello. Mix it up with different modes of virtual contact to keep it interesting e.g., sending funny Tik Toks (something I do with my teenager and we wind up talking about different even quite serious issues), humorous & even loving texts, and FaceTimes. (184, Lawyer, Lawyer for the Child)*

*Be creative and keep it fun. Share stories. (76, Social worker)*

Other professionals reported they would give advice about **ensuring the virtual contact was safe** by being aware of online risks, monitoring the virtual contact and children's technology use, putting appropriate restrictions on children's device and internet use, and educating children about safety issues.

*Be aware of general online safety risks (unrelated to contact). (61, Lawyer)*

*Unless highly proficient with privacy settings, be cautious about AI manipulation of children whose images are publicly available on social media. It is becoming more, not less, dangerous, with AI capacity to doctor photos, to remove clothing, for example. (150, Family Court judge)*

*Have someone there to support the child – another adult family member. Keep a record of anything abusive or any coercive controlling behaviours. Report any breaches to Police. (118, Role unspecified)*

*Monitoring tamariki with technology, setting up safety walls. (98, Kaiārahi – Family Court Navigator)*

*To always help educate your child about safety when using technology to communicate. (113, Kaiārahi – Family Court Navigator)*

*Put appropriate restrictions on the device and access to internet before leaving a child with a smart phone. Have rules around the device to keep them socially and sexually safe. (131, Counsellor/therapist, Child's Voice Specialist, Parenting Through Separation provider)*

*Parental locks to ensure safety measures for children. (81, Kaiārahi – Family Court Navigator)*

*Even if supervision not agreed/court ordered, monitor the contact to a degree and subtly. (199, Lawyer, Community Law)*

Another aspect of safety was **protecting children from parental conflict or topics that should not be discussed with children**. The professionals advised parents to not use virtual contact

as an avenue to disparage the other parent and speak inappropriately to children. They also cautioned parents against being overly emotional with their children during virtual contact.

*Discuss with the child that some topics are not appropriate for the parent to discuss or ask you about. These questions/topics relate to protection orders and privacy for the custodial parent. (211, Supervised contact provider)*

*If there is anything inappropriate that occurs, hang up, don't get into an argument. (178, Lawyer, Lawyer for the Child)*

*Do not speak of the other parent badly. Do not ask about the parenting styles of the other parent. Focus only on the child and let the child lead the conversation. (101, Supervised contact provider)*

*Keep conversations about the child. Keep parent emotions out of it. (76, Social worker)*

*Keep the contact topics only about their relationship and their events. Avoid asking questions that you know would offend the other parent. (112, Counsellor/therapist)*

*Don't use it if you believe that the ex-partner cannot emotionally regulate him/herself. Have a neutral person provide assistance to the child that is not going to engage or pass on messages. (136, Supervised contact provider)*

*Go easy on the imprecations of love/loneliness/sorrow. (152, Family Court judge)*

Some professionals advocated for **parents having separate modes of communication** to virtual contact in order to avoid adult issues intruding into parent-child contact.

*Do not make it a platform for the adults to discuss adult issues. (217, Mediator, Supervised Contact Provider)*

*I often find I make recommendations that parents have a clear forum for parental communication (an app such as My Family Wizard) and other channels remain exclusive for child-parent contact. This can help avoid some of the difficulties. (194, Specialist report writer, Psychologist)*

*Never try plan or discuss anything with the other parent via the child, do that via another form of communication directly with the parent and away from the child. Protect the child from being caught in the middle of anything, even minor things. (111, Supervised contact provider)*

**Being prepared and planning for virtual contact** was also something professionals advised parents. Having a schedule and appropriate activities and topics of conversation ready in advance, minimising or eliminating distractions, ensuring privacy and the child's physical needs (e.g., tiredness, food, drink, etc.) were considered and that the necessary equipment was set up and functional were all suggested. The comments all focused on ensuring the

child(ren) and/or the environment was well prepared. As one Family Court counsellor noted: It “needs to be thought out carefully. I’ve seen it work really well & really badly!” (140).

*Have a calendar for the children so they can see when their next contact will occur. Set up the contact to succeed; quiet room, TV off, snack and drink, activities/toys/games to play with during the contact. An undertaking that adult issues to do with supervised contact, custody, courts, social workers, and other adult matters are not part of the contact. For custodial parents, that they consider scheduling a quiet activity after the contact to allow time for a child to settle after contact, some children will be upset when they end the call and will need support. Encouraging the participating parent to control emotions for the purpose of enabling a less-emotional impact on the child and allowing the child to lead communication but also where necessary have fun ways of communicating (i.e., bringing a pet to the screen for introduction, sharing a drawing activity or craft, (set up with both parents prior to the event). Advise parents that children will sometimes be hesitant, shy, or disinterested and to be patient with them. (67, Specialist report writer, Supervised contact provider)*

*Prepare the children well. If the contact parent is not engaged in the children’s lives e.g., lives overseas, ensure they have access to school Apps, etc. The parent/party with care needs to communicate well with the other parent/party about what the children have been up to – i.e., to provide a basis for discussion. Choose a time of day when the children are at their best, not tired or distracted. Make the call part of a regular routine and make it happen. If you are the contact party/parent don’t expect daily contact, e.g., quality is better than quantity. Have everything well set up and don’t have the call happen during other events/activities, i.e., be fully engaged. (153, Family Court judge)*

*Try it out locally until the child is comfortable and knows what they have to do and what is expected of them when contacted [by] a more remote person. Help with preparation for expected conversations. (215, Supervised contact provider)*

*Education both ways and setting up some structure to make this something that the young person wants to so (so relationships are built/maintained). (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*Ensure the child is switched on and does not have the option on the screen to be distracted by a game, etc. Also ensuring the child is not too tired before the virtual contact. (102, FDR Case Manager)*

*Turn off notifications while child is using phone to avoid distraction or sharing something unintended. (95, Social worker, Child’s Voice Specialist, Parenting Through Separation provider)*

*It needs both parents on board to make it work well. Have the other parent linked in with pre/school emails/socials, etc. so that they have topics to discuss with the child. (87, Mediator, Child’s Voice Specialist)*

*Try to give the child privacy to speak to the other parent. Don't ask what they spoke about or question them about what was said. (89, Counsellor/therapist, Parenting Through Separation provider)*

*Provide a private space to speak with their parent – e.g. bedroom – so it's private for them to speak, and also ensures privacy of the house they are in (not walking around the house with the phone). (165, Mediator)*

Some advice for parents about being prepared for virtual contact included **learning about technology and appropriate and safe apps and platforms** to use.

*Get current, learn about the apps and how to use them and you will be surprised at how much contact you can have with your kids. I am on Snapchat and now have three of my daughters' friends all sending me snapchats – I get all the goss[ip] as a result! (116, Lawyer, Lawyer for the Child, Mediator)*

*Become very familiar with the technology, be creative, use mutual activity and plan well. (91, Psychologist)*

*Encourage parents to become more tech savvy to allow children to communicate visually with a parent/whānau. (81, Kaiārahi – Family Court Navigator)*

*To stick with those apps that purport to be safe e.g., Messenger, WhatsApp, Zoom, Skype, email. (103, Family Court counsellor)*

Part of being prepared was also for parents to **agree upon arrangements and ground rules** in advance.

*Successful virtual contact for the child requires both parents/caregivers to create a positive environment for the contact at a time and place which is optimal for the child. Adult issues are not part of the contact time. Facilitation/implementation of the contact should be agreed upon in advance of any contact. (208, Lawyer, Lawyer for the Child)*

*Be prepared. Plan for the call. Have anything you want to have at hand to so don't wander away. Prepare comfort needs before starting. Set the ground rules and expectations before you start. Ensure equipment working before you start. Be available on time. (71, Supervised contact provider)*

*I would suggest they have agreed boundaries about how this will look in practice, discuss expectations of each other, e.g., how much coaching will you do of the child to encourage engagement, and who in the family can participate. (119, Child's Voice Specialist, Parenting Through Separation provider)*

*Establishing rules around the use of this as a tool for contact. Being clear as to which apps, etc. are acceptable and what is not. (157, Lawyer, Lawyer for the Child, Mediator)*

*Think of consequences. If only real/practical alternative, how to keep the use of it safe for the child and parents. At a certain point, what is agreed age of privacy of a child trumping adult intervention/supervision/access to child's conversation with the other parent. How parents/guardians agree to navigate that transition period. (218, Lawyer, Mediator, Child's Voice Specialist)*

*As often as possible (daily or twice daily), no interference by other parent or communication (only scaffolding), no distractions, set schedule, no other people present, set duration, do activities during (e.g., eat dinner together). (120, Lawyer, Community Law)*

Being prepared was also about **managing parental expectations**, particularly around children's engagement, communication abilities and duration of virtual contact. Generally, the professionals advised parents to only expect interactions of short duration and to be patient.

*Video calls can work well if everyone goes in with the same expectation. Usually, a set time a couple of times a week works well and with the expectation of all that the call could be anywhere from one minute to half an hour or longer. (197, Lawyer)*

*Keep it short. Do not expect long conversations, as you might have when in person contact occurs. Children find it hard to come up with things to say or keep focus. Short durations are better. (161, Lawyer)*

*Lower your expectations of your children's level of engagement. Think about who the contact is for/about (them not you). Don't automatically presume the other parent is to blame if the contact doesn't go as hoped. Quality is often better than quantity. (69, Family Court judge)*

*Not to expect your children to want to spend long periods of time communicating with you via virtual contact. (70, Lawyer, Community Law)*

*Don't be upset if the child doesn't want to talk, or talk for long, it's not personal (hopefully!). (87, Mediator, Child's Voice Specialist)*

*Should last for the amount of time the child is comfortable with, sometimes they may not have much to say beyond a basic, "Hi, how are you?". (183, Lawyer, Lawyer for the Child)*

*Be patient. Expect less. Enjoy what you are able to have. Be child led. Listen. Don't fear silences or small talk. ... Expect to miss out on contact due to children having lives and priorities. (152, Family Court judge)*



Other professionals **encouraged parents to support and facilitate** the contact, to model good practice, and **avoid adult issues** getting in the way.

*Do not force the children, support the contact (e.g., child comes home from school with something they are pleased with – should we send a picture of that to the other parent), understand it may be shorter than you want, encourage the child/ren and be positive about the contact. (185, Lawyer, Lawyer for the Child)*

*Please facilitate contact with the other parent and/or grandparent and extended whānau. (206, Lawyer)*

*Parents to remember that they are still role modelling when it is virtual contact, e.g., not trying to sneak contact outside of arranged contact, not hiding and being deceptive with tech, recording or taking photos when not permitted. role model positive communication and use of tech. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*Think through the purpose and how to support this ... don't let adult issues filter into your management of this. (167, Family Court counsellor, social worker)*

*It is a way of maintaining and strengthening the relationship between a child and a parent or other important adult in their life, so do what you can to facilitate it and put aside adult issues. (198, Lawyer, Community Law)*

*No adult issues, always be positive, not critical or challenging about what has/not been done or is planned. (63, Lawyer, Lawyer for the Child)*

*Ideally fully support the contact, and be involved when appropriate. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Put aside your feelings, remember the child is half of that other person, and do your best to make this a positive experience, no matter what your personal feelings may be. (128, Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)*

*Have flexibility so that the child can speak with the other parent even if it isn't "their time". (87, Mediator, Child's Voice Specialist)*

The professionals also advised parents to **stick with scheduled contact**, but also to have **flexibility** to allow children to contact their other parent outside of these times and, as noted above, to accept when children did not wish to have lengthy contact.

*For parents [and] caregivers to keep contact time limited, agree on day/times and stick to them. (79, Supervised contact provider)*

*Set events are better than set times, i.e., bedtime, after school. Flexibility is needed so it works for the children and as such they want to engage. (127, Mediator, Child's Voice Specialist)*

*Comply with meeting agreements/directions as to when and how calls are made. (199, Lawyer, Community Law)*

*Stick to the agreed times for calls/video. (220, Lawyer, Lawyer for the Child)*

*Be consistent and reliable. (76, Social worker)*

*To keep to promised times. (104, Family Court counsellor)*

*Keep at it. Do it when you say you'll do it. (87, Mediator, Child's Voice Specialist)*

Several professionals reported that they explained to parents **the importance of having relationships and regular contact** with both parents for children's well-being, and **that virtual contact could be an option** to help achieve this. Others, however, said that they advised parents to use virtual contact to supplement, rather than replace, physical contact. Some outlined to parents the benefits of virtual contact including sharing everyday news and special moments, keeping in touch, maintaining relationships and trust, and demonstrating love.

*I talk about having the child at the centre and their best interests at heart. The impact of not being able to contact the other parent. The message it sends to the child if they are told what to say and what not to say, if they are watched while talking to the other parent, if they are questioned about the contact. (123, Psychologist)*

*It can't replace face-to-face contact, but it can maintain the relationship, or re-establish a relationship. (87, Mediator, Child's Voice Specialist)*

*To commit to fulfilling your child's needs. They need to have a relationship with both parents as long as it is safe to do so. (113, Kaiārahi – Family Court Navigator)*

*It's best used as an opportunity for the child to have contact with the other care parent when there is "news" to share (lost tooth, award at school) or, where there are large geo[graphical] distances, to maintain a relationship in between visits. It should be for the child's benefit not the parents (lots of mums want to have the contact because it meets their own needs (they miss their kids)). (210, Lawyer, Lawyer for the Child)*

*One option for the children to maintain consistent contact with their estranged parent. (138, Supervised contact provider)*

*Remind parents that virtual contact is to enhance their child's relationship with the parent they no longer live with (or to reassure the parent that has care). (182, Family Court judge)*

*It is positive for children to have regular scheduled or informal contact with the other parent whenever it is reasonable to maintain active parental contact by both parents with the child. Some apps appear particularly useful – FaceTime, Messenger, Family Wizard, etc. (171, Mediator)*

*I have virtual contact with my grandchildren and it's awesome when their parent supports it and I accept that it may last for 30 seconds or many minutes such as reading stories. It's a way of keeping in touch and sharing special moments – that's what I say to parents. (164, Lawyer for the Child, Mediator)*

*Use it as an adjunct to real-time contact. (179, Lawyer, Lawyer for the Child, Mediator)*

*It's a great way to maintain trust, and remind your child what's happened it not their fault, and you're always there for them, if not in person then at the end of the phone or video. It's about sharing love, and filling their love tanks (letting them know they're worth it). The payoff for everyone is worth it. (76, Social worker)*

*Can be a good idea to keep in touch with, touch base. If something important or exciting happens, good for child to know they can get in touch and let parent know about. (183, Lawyer, Lawyer for the Child)*

*To educate on etiquette and importance of maintaining contact. (160, Kaiārahi – Family Court Navigator)*

*This is vitally important to maintain connection for the child and the parent to ensure minimal traumatic experiences and memories that could lead on and hinder the child in their adult life through certain addictions, i.e., drugs & alcohol and ensuring fewer negative feelings and resentment. (85, Kaiārahi – Family Court Navigator)*

Professionals also advised **parents to accept and respect the use of virtual contact** and to “make it count”, even if they were reluctant to use it.

*It helps, and don't decline just because you would prefer in-person contact. (173, Lawyer)*

*Don't abuse the opportunity, make it count, make it special. (149, Family Court judge)*

*That lots of parents I work with who don't see their children would be over the moon if they could have virtual contact 1–2 times a week on a set day and time. This also goes for that parents' whānau as often if the parent who doesn't have the care of the child their whole whānau also misses out. (92, Family Court judge)*

*Virtual communication is a gift if used with integrity for the very real need by children to attach, bond and feel supported by their parents. (130, Counsellor/therapist, Family Court counsellor)*

*Respect this form of contact as a privilege rather than a right. Don't take it out on anyone if the child does not wish to have the call. Let the child choose. (168, Mediator)*

Two professionals were cautious about advising parents to use virtual contact if there was parental conflict or family violence. In those situations, they recommended the virtual contact be carefully managed or only used if necessary.

*I would say use it only where necessary if parents are still in conflict. Wherever possible try face to face, even if it is having to be supervised. Understandably if a parent lives 5 hours away it's a need not a want to use virtual, but again, it needs clear boundaries for both parties on how it should happen until those boundaries become unnecessary because they've moved past that or moved closer to one another. (82, Kaiārahi – Family Court Navigator)*

*If hostility or Family Court matters currently active between parents this must be managed carefully. (80, Kaiārahi – Family Court Navigator)*

### **Family Justice Professionals' Messages for Parents – Summary**

- Children's well-being is promoted by relationships and regular contact with both their parents.
- Virtual contact can be a useful and beneficial option to maintain parent-child relationships.
  - Best used as an adjunct or supplement to face-to-face contact.
  - Needs to be carefully managed in cases of high conflict and/or family violence.
  - Respect its use and don't abuse it.
- Keep virtual contact child focused.
  - Expect short durations – let your child lead/decide.
  - Be patient.
  - Stick with agreed times, but be flexible in response to your child's needs.
- Be engaging – make contact fun, interesting and child focused.
  - Avoid being emotional.
  - Keep informed about your child's life to enable conversations about matters important to them.
- Learn about technology and virtual contact platforms and apps.
- Be aware of safety issues.
  - Learn about online safety risks.
  - Monitor/supervised virtual contact if necessary – otherwise ensure your child has privacy.
- Avoid adult issues.
  - Do not expose your child to parental conflict or inappropriate discussions during virtual contact.
  - Do not use virtual contact to have adult-adult discussions – use a different platform.
  - Both parents need to support and facilitate virtual contact – put your own issues aside.
- Plan ahead and be prepared.
  - Have activities and conversation topics ready.
  - Attend and be sensitive to your child's physical needs – e.g., suitable times, food/drink.
  - Minimise distractions.
  - Agree on arrangements and establish ground rules in advance.

## Topics or Issues Relating to Virtual Contact Professionals Would Find Helpful to Have Guidance On

The professionals were asked about what topics or issues relating to virtual contact they would find helpful to have more information, guidance or training about. Two-thirds ( $n=90$ ) of the participants detailed something they would find helpful.

Some indicated that “All training is useful.” (215, Supervised contact provider) and “Any and all topics” (123, Psychologist).

### Specific topics included the following:

- Risks and safety issues – e.g., online risks, spyware, recording, online safety guidance, privacy and security issues, how to know if there is a tracking device or recording, family harm considerations.
- How Protection Orders, bail/release conditions, or safety orders might prevent contact.
- Children and young people’s experiences of, and perspectives on, virtual contact; advantages and disadvantages of virtual contact from a child’s perspective.
- Appropriateness/effectiveness of different types/modes of virtual contact – for different ages and stages of development.
- Age/developmental-level-appropriate activities and expectations – e.g., attention spans; what type and length are realistic and likely to be successful.
- Appropriate/recommended frequency and/or duration of virtual contact – for different ages and stages of development and attachment needs.
- Different platforms and apps – ‘how to’ guides, overviews of strengths and drawbacks, risks and safety concerns.
- Digital etiquette, setting up rules and boundaries, ethical issues.
- How to best prepare and support children and/or parents for virtual contact.
- How to coach/guide/train parents to successfully engage with children virtually and/or to facilitate virtual contact.
- Best practice/guidance for virtual contact in specific situations, e.g., family violence, parental imprisonment or hospitalisation; very young children; estranged parent-child relationships.
- How to engage with children via virtual contact – suggestions/prompts for discussion topics, activities, games to play.
- Online gaming and social media – ensuring children’s safety.
- How to manage situations of child reluctance/refusal or child boredom/lack of engagement.
- Success stories – how to set up and use virtual contact effectively, ‘dos and don’ts’, how to best use virtual contact; what works best for children (especially pre-schoolers).
- Cultural perspectives/considerations.
- Video calling services – what online video calling services are available; what are the best to use; which can be used to track calls (for evidentiary purposes).
- When virtual contact should be monitored or supervised.
- How to redirect conversations away from inappropriate or adult content – training/support for supervised contact providers to deal with these situations where conversations with children are inappropriate; taboo topics.

- Parenting orders – how to include virtual contact when there is a Protection Order in place, suggested best practice/draft conditions for parenting orders that include provisions for virtual contact.
- Parenting apps – and how they work.
- New forms of virtual contact/platforms/media as they are developed.
- Parental interference in virtual contact.
- Research or professional advice about virtual contact outcomes and the limitations of virtual contact – especially helpful to present this information to the Court.
- Research/psychological advice/perspectives on the benefits of virtual contact.

#### **Training/support for parents:**

- Tips for parents.
- How to coach/guide/train parents to successfully engage with children virtually and/or to facilitate virtual contact.
- Parent training about appropriate location and the presence of others.
- ‘Parking’ adult issues.
- Education handouts for parents.

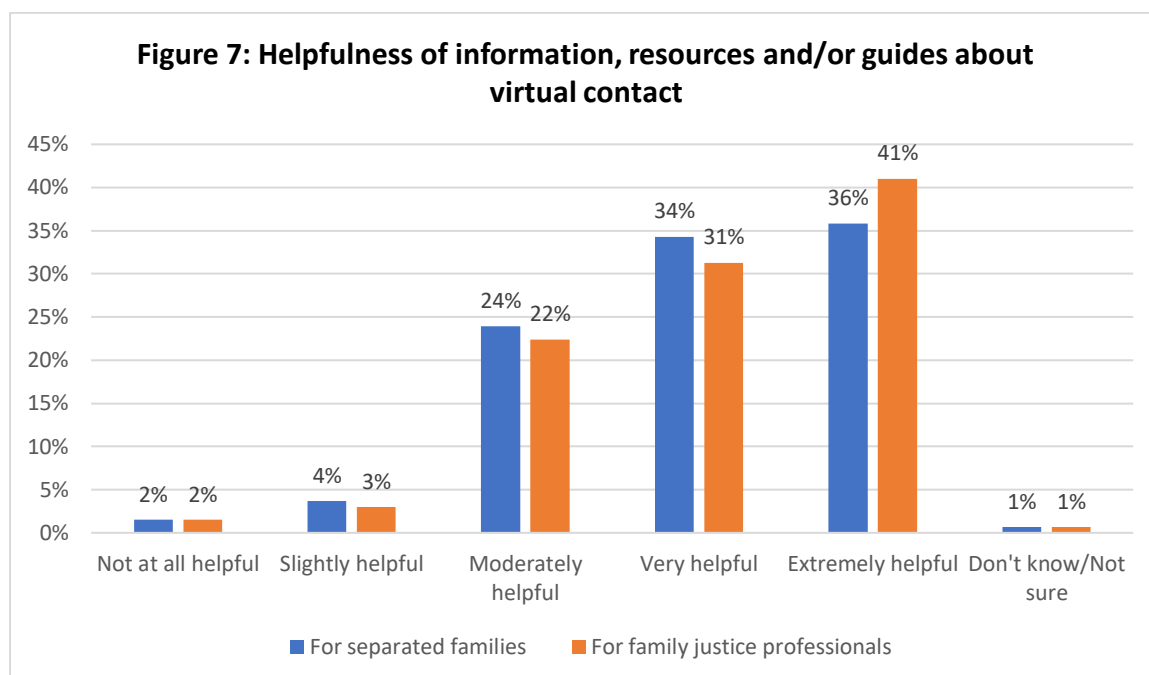
#### **Resources that professionals would find helpful:**

- A ‘menu’/guide of virtual contact options – what to use for what purpose; which ones are good and which ones to avoid.
- A list of age-appropriate online games parents and children can play together.
- Virtual contact guidelines.
- Psychologists’ perspectives/guidelines for parents on age/stage appropriateness of different types of contact.
- Guidelines for very young children.
- ‘How to’ guides for various virtual contact communication modes and platforms, e.g., apps, social media.
- Resources in Pacific people’s languages.
- Safety checklists.

*The COCA requires any decisions to be made in light of the welfare and best interest of the child and I hold concerns that many virtual contact arrangements that I am observing in my work are made through an adult lens. While it is likely that the children involved do benefit from virtual contact with a parent, it would be helpful as a practitioner in this space to understand the advantages and disadvantages of virtual contact from a child’s perspective. Specifically, it would be helpful to know what aspects of virtual contact children benefit the most from so this can be at the forefront when we are advising parents and whānau on this topic. ... While each child is different and will engage in virtual contact differently, it would be helpful to have resources and advice about virtual contact for children (especially for younger children). (105, Lawyer)*

## Helpfulness of Information, Resources and/or Guides About Virtual Contact

The professionals were asked how helpful they thought it would be to have information, resources and/or guides about virtual contact for both separated families/whānau and family justice professionals. As shown in Figure 7, nearly all (98%) thought they would be at least slightly helpful. The majority of the professionals thought that such information would be ‘very’ or ‘extremely’ helpful for separated families (70%) and family justice professionals (72%).



Comments about the usefulness of guidelines noted the need for resources to educate and assist parents. However, it was also noted that a ‘one size fits all’ approach would be ineffective and that guides were only helpful if people were prepared to “abide by the rules”.

*It would be helpful to have resources and advice about virtual contact for children (especially for younger children). (105, Lawyer)*

*Whether parent has technology knowledge (or caregiver if older) can be a challenge to communication, also accessibility of the appropriate apps/internet strength/technology. (63, Lawyer, Lawyer for the Child)*

*A specific skill/resource based developmental assessment would help inform parents and the Court. (125, Specialist report writer, Psychologist)*

*Parents need help understanding the dangers and increasing safety for their children online period. (76, Social worker)*

*I think parents expect too much of children to engage virtually and often need education with respect to this. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*An app/web page link that was Govt provided so that children could log on for contact would help with very extreme high conflict/special circumstance cases without running the risk of unnecessary, State intervention. (199, Lawyer, Community Law)*

*Guidelines need to be in place. (160, Kaiārahi – Family Court Navigator)*

*Adults may need guidance or teaching about apps before they can use it in order to have a productive and positive experience. (101, Supervised contact provider)*

*Resources should be used as a guide rather than this is how it must be done every whānau, relationship and circumstances are different, we too quickly do the one size fits all approach. (79, Supervised contact provider)*

*Issue is that certain people use 'best practice' to continue 'control of access' (against the other parent) or negate what could be 'in the best interests and welfare for the child' in that child's situation. (218, Lawyer, Mediator, Child's Voice Specialist)*

*Having guides are great for people who will respect them enough to abide by the rules. (118, Role unspecified)*

*Guidelines for parents about what age/stage each type of contact is likely to be appropriate. I recently heard a child psychologist say that no child should have their own mobile phone until they are 15 years of age. If more parents heard this sort of advice (and why), we might have fewer parents buying their 8-[year-old] a phone and sending them back to the other house (which that parent sees as a threat). (210, Lawyer, Lawyer for the Child)*

Some professionals recognised that they too would find having more information about virtual contact helpful.

*Since I began practising in 2017 the growth in the use of virtual contact has increased rapidly (especially post-COVID). However, I am concerned about the lack of information and the resources available to practitioners to enable us to fully understand the impact the uptick in technology has on children. I am especially concerned that there is a general view that virtual contact is seen (in some situations) as a suitable substitute for in-person contact. Given society is increasingly moving online, I hold concerns that there may be longer term impacts on children if their relationships with a parent or whānau become increasingly virtual. I think the profession would benefit from information and advice around this sooner rather than later. ... I had not specifically turned my mind to this topic prior to completing this survey. Family law moves at such a fast pace that we are often just responding to what is in front of us, with little time left over to reflect. I had not realised how much virtual contact for children with parents and whānau had crept into my work until considering*



*my answers to this survey. Specifically, I had not considered the lack of available information and how we have just adopted virtual contact without pausing to ask questions about this. (105, Lawyer)*

*Any help in the short- and long-term as to what contact we recommend, and the conditions that go with it, is much appreciated. (199, Lawyer, Community Law)*

*I look forward to research to better understand this newish and complex area of practice. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

## Changes to Policy, Practice and the Law

Professionals were asked whether they thought changes were necessary to policy, practice and/or the law relating to virtual contact. A third ( $n=44$ ) of the participants responded. One professional cautioned that any changes needed to be carefully considered and involve consultation.

*Defining rules, policy, practise into law should be thoughtfully considered and involve consultation to get it right, we are dealing with many differing cultures in Aotearoa and policy should always reflect this. (79, Supervised contact provider)*

Very few professionals suggested any legislative (or policy) changes. Some professionals did not see the need, while others recognised that each whānau was unique and standardisation of practice was not always feasible or desirable.

*I do not see how laws around the use of virtual methods of communication would help. I have found that there are some things that it is impossible to implement – with or without laws. (89, Counsellor/therapist, Parenting Through Separation provider)*

*Use of virtual media is common place in society and the law shouldn't try to over police it. (195, Lawyer)*

*No, the fact that it has shifted from "telephone" to "virtual" is just a sign of the times. (157, Lawyer, Lawyer for the Child, Mediator)*

*I think anything legislated (or put into policy) affecting use and ability for parents/guardians/children to create their own pragmatic solution and use of available technology for their own unique situation would be wrong. (218, Lawyer, Mediator, Child's Voice Specialist)*

*Standardisation of a process or practice is great to a certain level for consistency, but when you get into detail it will always need to be a case by case basis. (82, Kaiārahi – Family Court Navigator)*

However, one professional, a mediator, advocated for the mandating of virtual contact and legislation updated accordingly.

*Technology can provide a priceless tool for maintaining regular contact with children when one parent cannot have regular face to face contact for various reasons. The law must be updated to mandate this type of communication for parents who are deprived of day-to-day contact. (166, Mediator)*

Another professional, a lawyer, suggested that if research supported the use of virtual contact, incorporating this into the Care of Children Act (COCA) (2004) could be beneficial.

*I would like to see research on the advantages and disadvantages of virtual contact for child, and if there is a general conclusion that virtual contact is materially beneficial to a child maintaining a relationship with a parent and/or whānau there may be some benefit to having this incorporated in the COCA. (105, Lawyer)*

Conversely, others thought that **COCA was adequate** as it was.

*s 5 COCA covers the issues, getting it right is the challenge. (185, Lawyer, Lawyer for the Child)*

*Generally the Care of Children Act is flexible enough to allow parenting orders to be made to cover a particular child's (and the relevant adult) situation. (198, Lawyer, Community Law)*

*I think that a well-crafted court order can manage virtual contact quite well. (184, Lawyer, Lawyer for the Child)*

Some professionals' suggestions related to practices around setting up **parenting agreements or orders that detailed boundaries, rules and expectations** about appropriate parental behaviour. Others thought that parenting orders ought to specify what virtual contact platforms were to be used.

*Some parents say they are stressed being contacted too frequently and/or unpleasantly by the other parent via the same phone number or medium that the other parent uses to contact the child. This perhaps needs to be looked into more. Setting expectations/rules of behaviour not only protects a child, but can lead to a parent modifying their behaviour to a more child-focused and positive approach. The penny drops for them and they start to understand their role as a parent. The court and providers having hard and fast expectations and rules are very beneficial. And a parent who is non receptive and continues on, is a parent who probably the child needs a break from. (111, Supervised contact provider)*

*Think it should be started off with a provider that does supervised contact first to set the boundaries then the parent can go off on their own and do it. (217, Mediator, Supervised Contact Provider)*

*An agreement on online posting – what's okay, what's not okay. Agreed and practiced parental controls. Guardian rights around their child's use of online – what is and isn't okay, how much time spent, and ages and stages for different games/arenas/apps. A*

*safety agreement around virtual contact (dos and don'ts, days/times, just like actual contact agreements in parenting plans). (76, Social worker)*

*Setting standards e.g., you're not supposed to have Facebook until a certain age. (71, Supervised contact provider)*

*Not taping without permission of child and other parent. (145, Family Court counsellor)*

*That it is automatically included in parenting orders, and specifies which platforms are to be used for virtual contact – and to be explicit about not recording. (103, Family Court counsellor)*

Several professionals thought **consideration and guidance needed to be given to virtual contact when Protection Orders were in place**. They thought variations could be made to allow virtual contact.

*Protection orders could be varied to take such contact into account perhaps. (184, Lawyer, Lawyer for the Child)*

*Maybe remove the option for breach action against some types of virtual contact. (106, Family Court judge)*

*Parents are concerned that this can breach a Protection Order and protected parents calling a breach. (86, Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)*

*Judges could make better use of virtual contact when there are Protection Orders involving children, but where contact with the applicant is prohibited. This could allow contact between parent and child to continue and the relationship be maintained, even after harm has occurred and could still occur in the future. (144, Mediator)*

*Possibly some guidance around when there can be virtual contact in a parenting order when there is a Protection Order in place and when supervision is necessary. (148, Lawyer, Lawyer for the Child)*

*Virtual contact can be a great way for non-residential parents to have daily contact with their children. The increasing number of family violence allegations and Protection Orders mean that these children only get supervised contact with a parent, at least until the case is heard (which could take 2–3 years). If the law stipulated that frequent virtual contact should be maintained, than these children would be able to maintain regular contact. (166, Mediator)*

Two professionals suggested that virtual contact should be offered in addition to supervised contact, particularly when travel to a supervised contact centre was a barrier to its use.

*For it to be offered to all children under court orders as an additional to supervised face-to-face contact. (211, Supervised contact provider)*

*Supervised contact online with a referee should be considered, especially with the cost of living where some parents don't have the resourcing to travel to supervised contact centres regularly. (85, Kaiārahi – Family Court Navigator)*

**Improved access to, and uptake of, virtual contact** and venues for supervised virtual contact were also suggested. One professional queried the availability of government support to enable virtual contact for children who have a parent in prison. Another commented on judges' focus on physical contact.

*More access to this type of family communication should be supported. (90, Psychologist, Counsellor/therapist, Family Court Counsellor)*

*Make it normalised. (164, Lawyer for the Child, Mediator)*

*Potential contact centre for children for virtual contact. Friendly space that is confidential. Children supported by staff to reduce conflict. Imagine in spaces like libraries. (90, Psychologist, Counsellor/therapist, Family Court Counsellor)*

*What Govt funding for tools/equipment/apps, etc. are available, if any, especially for incarcerated parents. (199, Lawyer, Community Law)*

*At present I am not sure that the judiciary has had the opportunity to think this through. The greatest focus remains on physical contact and virtual contact can become an 'add on', sometimes to compensate for a parent's loss of time/not getting the parenting plan in its own right. It's highly unusual to see a judgement discuss virtual contact in any substantive way, unless it has become a specific issue in a case where a parental alienating behaviours are present. (122, Specialist report writer)*

*Tools such as accessible age-appropriate online games need to be developed to enable parents to easily access them. (166, Mediator)*

*We need more of this if that is what whānau are wanting. Also that it is ok to choose not to have virtual communication. (92, Family Court judge)*

Some professionals expressed the need to address **safety concerns** and strengthen protection for children. Others raised **privacy concerns relating to parents posting information about children on social media** and suggested changes to policy/practice or clarity around the Privacy Act 2020.

*Privacy Law clarity – some parents don't like the other parent posting pictures of the child online, etc. (142, Lawyer)*

*Standard rules/guidelines/conditions about protecting privacy and ensuring safety and non-dissemination of private information or personal information/photos if social media/games are used as a means of communication. (153, Family Court judge)*

*More awareness about social media, this commonly causes issues to arise with things that are posted or shared without agreement, etc. (183, Lawyer, Lawyer for the Child)*

*The ethical standards of users will dictate the ethics in any platform. Resources are needed to improve societal community and parental respect for the rights of children to have control on the availability of posted images and content about them. They have future careers to think of, and won't want a future employer able to search up high conflict interparental communication from 20 years ago, with their photo tagged to it. (150, Family Court judge)*

Other professionals focused on changes relating to the **provision of more education and guidance**, for both families/whānau and professionals. Included in this was understanding that virtual contact has limitations and cannot replace face-to-face contact.

*More education for all, including lawyers judges and parties. (200, Lawyer)*

*The main thing is to recognise that virtual contact has limitations. (206, Lawyer)*

*Understanding it does not replace/match quality of physical engagement is important. (63, Lawyer, Lawyer for the Child)*

*I would like to see significant content in Parenting Through Separation on this. Amalgamating privacy principles and parental rights and responsibilities principles in a handbook would be great. (150, Family Court judge)*

*I think more information for professionals and participants would be a great starting point. (175, Lawyer)*

*Just thinking how lawyers can access various virtual platforms and social apps to set up contact would be useful. (179, Lawyer, Lawyer for the Child, Mediator)*

*There have been so many changes in the past 5 years so it is important that we keep up to speed with those changes and the potential pitfalls (and risks with new technologies). (176, Lawyer, Lawyer for the Child)*

*Regular updating of advice, or upskilling of professionals. (141, Family Court counsellor, Counsellor/therapist)*

## The Future Role of Technology in Post-Separation Parent-Child Contact

The professionals were asked to consider the broader issue of the future role of technology in parent-child virtual contact given the rapid pace of technological change. Just over half (56%,  $n=75$ ) responded. A common response was that technology use and virtual contact was going to become more frequently used, and that the family justice sector needed to embrace it and keep up with developments. Technology was seen as the “**way of the future**”.

*Between new methods/improvements and life factors/issues, virtual is the way of the future. Even normal meetings are more often by Teams or Zoom. Lawyers are waiting for the Courts to catch up with technology. It would cut waiting time and travel time, which would help make legal representation a little more affordable. (128, Lawyer, Lawyer for the Child, Mediator, Child’s Voice Specialist)*

*Will inevitably become more and more common. (61, Lawyer)*

*I think that virtual contact is a sign of our ever shrinking world with international flights to the other side of the world within 24 hours and the rapid pace of technology and the fact that people are moving for job and other opportunities and not staying in one place. (184, Lawyer, Lawyer for the Child)*

*Use will further increase and become more effective. Ability of parents to access school sites to see work, e.g., seesaw for primary school is great. (196, Lawyer, Lawyer for the Child)*

*This will be increasingly used to ensure a greater frequency of contact. (190, Lawyer, Lawyer for the Child)*

*I suspect we are going to be driven by the demands of young people. They are virtual contact natives and more and more comfortable having relationships maintained by virtual means. (106, Family Court judge)*

*I would have thought it is only going to increase given the availability of different types of virtual contact and that we are raising generations of kids who know more about technology than they seem to about anything else!! (69, Family Court judge)*

*The exponential development of technology is forever increasing, and policy, practice and law need to be open to the growth. (85, Kaiārahi – Family Court Navigator)*

*New ways will inevitably emerge that we’ll need to keep up with and harness the positive whilst limiting the potential damage to children. (126, Lawyer, Lawyer for the Child, Mediator)*

*It is going nowhere. We may as well embrace it and use it to ensure relationships are maintained. (161, Lawyer)*

*It definitely is the way of the future. (217, Mediator, Supervised Contact Provider)*

*I believe virtual contact will continue to increase, therefore we all must be ready to help facilitate and protect the families who will be using it. (113, Kaiārahi – Family Court Navigator)*

*I believe it will become more widely used. (108, Supervised contact provider)*

*We need to embrace it and learn more about it, and raise it as a legitimate way to connect. (207, Mediator)*

*It's the reality so we have to consider it and find ways to make it work for parents and children. (126, Lawyer, Lawyer for the Child, Mediator)*

*It will get easier for whānau to access the technology for virtual contact or be provided access to resources that deliver virtual contact. (138, Supervised contact provider)*

However, other professionals expressed concern over the rapid advancements in technology, and **cautioned against risks and pitfalls**, such as children's exposure to inappropriate online content, online predators, scams, privacy and security risks, Artificial Intelligence (AI), and the potential for children (and their other parent) to be manipulated and abused via virtual contact. They thought, therefore, that **parents (and professionals) also needed to keep up to date with developments and have awareness of potential risks for children.**

*We need to be cognisant there are predators online and also that virtual contact can sometimes be abused by respondents to Protection Order (e.g., using child to show home in video, making mother uncomfortable/feel privacy invades). (73, Lawyer)*

*While I think technology is important in this space and needs to be embraced, the pitfalls and risks to children's expanding accessing technology and maintaining virtual relationships need to continuously be considered and the risks assessed as technologies become more advanced. Specifically, I have seen a recent spike in parents being concerned about what younger children can be exposed to online and think education around parental controls and technology is falling behind at a rapid increase in our use of technology generally. (105, Lawyer)*

*To keep up to date with new opportunities in technical progress Awareness of scams, AI, etc., monitoring usage. (104, Family Court counsellor)*

*It is likely that technologies change, and with them come new opportunities and/or challenges. Good policies and procedures will support services going forward. (67, Specialist report writer, Supervised contact provider)*

*I believe as a professional working in this area that we need to keep up to date with technology to maximise its use where appropriate but also be mindful of the risks involved in using virtual contact. (176, Lawyer, Lawyer for the Child)*

*There is some risk within the justice system that as technology develops so fast that the adults cannot keep up with what their children/young people are doing. The digital divide between children and parents is increasing. (95, Social worker, Child's Voice Specialist, Parenting Through Separation provider)*

*Parents are rightfully fearful of their child being exposed to inappropriate content, and not being supervised adequately or protected whilst in the other parent's care. This is very real, and I deal with a lot of the impact from this - child sexualised behaviours, and trauma. Grooming has become far too common starting as young as primary age. Children are self-harming, having poor body images, becoming violent and dysregulated following online abuse through seemingly innocent channels such as 'Roblox'<sup>9</sup> – please look into this. Parents are unaware. Anyone can post games here, and seem innocent but far from it. Role play chat rooms exist in many of the games. Children are being violated without parent's awareness, until vast behaviour changes are noticed. We need courses for parents, children and workers to understand what's out there. I recently had a 10-year-old girl be groomed (by an adult posing to be a child) into giving nudes on Snapchat (police had many reports of same instances just in [city] alone). This girl was then suicidal after images were shared. This is becoming common, and we are behind in prevention. This problem increases conflict between separated parents who are not on the same page around the use of technology. FaceTime can also be very invasive to the other parent. Keeping it to a phone, or particular spot can limit this. (76, Social worker)*

*Children will become increasingly expectant of virtual communication in everyday life and parents/teachers need to be able to teach the pluses and minus and dangers, e.g., is AI true?? (215, Supervised contact provider)*

*I think it is crucial, adults need to be aware how their children are engaging on line so they can too. (127, Mediator, Child's Voice Specialist)*

*Care may be needed in preventing spam contacts by persons who are not who they say they are. (195, Lawyer)*

*Ensuring it is private, not exposes the children to unsafe information/websites. (63, Lawyer, Lawyer for the Child)*

*People are still coming up with ways to harm and torture others by using technology, including tracking someone. Contact via technology has to ensure the absolute safety of a child is paramount. So often the rights of a child is lost. (118, Role unspecified)*

*Boundaries and controls over the increased use of technology in these situations is vital. (130, Counsellor/therapist, Family Court counsellor)*

*Technology can be dangerous I am concerned about how much society uses it. I have noticed the effect on people's social skills. (169, Mediator)*

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<sup>9</sup> An online virtual universe game platform.



*It has a place but needs to be monitored/controlled, so that children are protected from the negative side of the Internet so to speak. (157, Lawyer, Lawyer for the Child, Mediator)*

Concern was also expressed by some professionals about **the use of technology for evidence in court proceedings**. The ability to provide evidence of virtual contact being supervised and the potential for using Artificial Intelligence to fabricate evidence was raised.

*Whether virtual contact is supervised properly or at all, will become harder to show as evidence in court. (199, Lawyer, Community Law)*

*AI could be concerning with the potential to doctor up “evidence” in high conflict cases. (176, Lawyer, Lawyer for the Child)*

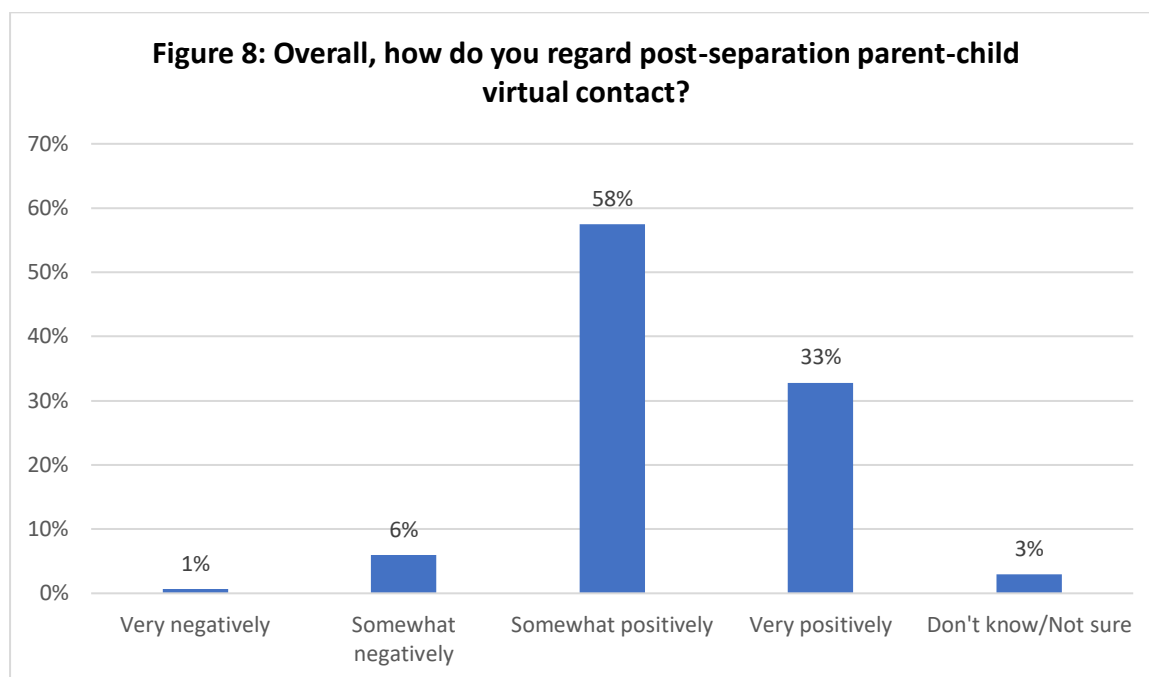
Finally, one respondent noted that in areas with poor access to the Internet, the pace of technology was largely irrelevant.

*Pace of change for technology is a funny thing because everyone who is up with the play in technology sees that. Isolated areas see no bars for reception or have to buy a milk not data. If there is infrastructure to make technology accessible to the nation equally well, in all areas, then let's talk. Until then you're putting the cart before the horse so to speak. Your cart i.e., technology would sit there going nowhere ... without the accessibility i.e., the horse. During and after cyclone Gabrielle on the East Coast how did technology fare? ... Not hearing from people for days. Putting too much thought into using technology is a waste of great mind and resource if the foundation to make it reliable and accessible [is] not there. (68, Kaiārahi – Family Court Navigator)*

Many respondents also made comments in response to this question about their perspectives on virtual contact, which are reported in the following section.

## Views About Virtual Contact

The family justice professionals were overwhelmingly more positive than negative about virtual contact overall (see Figure 8). The large majority (90%,  $n=121$ ) regarded it either 'somewhat' (58%) or 'very' (33%)<sup>10</sup> positively, with 7% regarding it either 'somewhat' or 'very' negatively. While a third viewed virtual contact very positively, only a minimal proportion (1%) saw it in a very negative light. Only a small percentage (3%) were not sure or didn't know, indicating that most professionals held a view about virtual contact.



Comments indicating professionals' overall views on virtual contact extracted from comments across various open-ended survey questions have been collated. In line with Figure 8, many of the comments were positive. Virtual contact was seen as a **useful tool** and a **way of maintaining parent-child relationships and connections**.

*It is a good opportunity for family members at a distance to maintain a relationship, i.e., reading a bed time story. (127, Mediator, Child's Voice Specialist)*

*Very important as if done well is excellent. (192, Lawyer, Lawyer for the Child)*

*This is very important that tamariki and whānau have this available, and every opportunity provided. (85, Kaiārahi – Family Court Navigator)*

*Valuable alternative for maintaining and building relationships. (121, Mediator)*

*Virtual contact should be seen as a form of contact to be encouraged. (127, Mediator, Child's Voice Specialist)*

<sup>10</sup> Note: These add to 91% due to rounding.

*It works and it's up to us adults to keep it safe for our children. (133, Lawyer, Mediator, Child's Voice Specialist)*

*This may be the only platform for a parent to stay connected with their child so when it is blocked it has a massive impact on that parent child relationship and mental health especially for the parent. (92, Family Court judge)*

*When it works, and all parties see the benefits, it is fantastic about keeping in contact. (103, Family Court counsellor)*

*Video options are such an improvement on a simple phone call. (171, Mediator)*

*I think video contact is really good. Another option for young children could be pre-recorded videos. (148, Lawyer, Lawyer for the Child)*

*Virtual contact has a much needed purpose in the community. It may not be as good as in-person, but it is the next best thing and provides solutions where in-person cannot be provided. There are levels of success, dependent on the effort that parents, caregivers, and facilitators provide working as a team to set up and maintain quality contact. (67, Specialist report writer, Supervised contact provider)*

*It's a great tool and opportunity to reduce negative impact of child living removed from a parent & siblings & wider family. (133, Lawyer, Mediator, Child's Voice Specialist)*

*Technology is awesome, the parents I work with usually include this as a form of contact in their agreements. (168, Mediator)*

*It's great for children to maintain contact with parents, even if they cannot see them face-to-face. Virtual contact supports relationships between parents and children. (209, Social worker, Parenting Through Separation provider)*

*Done right this can be very beneficial to the child. ... There is definitely a great need for this option. (217, Mediator, Supervised Contact Provider)*

*I find that children of virtually any age from about 3 years onwards find virtual contact with the other parent to be positive. The parent may experience some frustration with the child's lack of attention or distraction, but for most it is a positive experience for all involved. (171, Mediator)*

*Technology helps connection and should be encouraged to use between children and parents so long as the age range is appropriate. (102, FDR Case Manager)*

However, many of the participants' favourable views of virtual contact were conditional or dependent. For some professionals, virtual contact was viewed positively **as long as it was done safely and was beneficial for the child**. Others saw the successfulness of virtual contact as **conditional** on parents supporting it and being child focused, and on the absence of family

violence or high parental conflict. Some also supported the **temporary or contingent** use of virtual contact, when direct contact was not possible or safe.

*It is a great contingency during a pandemic or as needed, but can't come close to in person contact and in most cases probably won't be effective to maintain or build a relationship. Should be seen only as contingency or supplementary to in person contact. (111, Supervised contact provider)*

*I rated somewhat positively ONLY when regarded as a temporary fill in for parents and children due to specific circumstances. Also where there is cooperative parenting and low conflict. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*Works well in some circumstances for a limited time. ... Whilst it does not replace in-person contact virtual can be an appropriate option for a limited period of time. (74, Lawyer for the Child)*

*Physical contact is best, but circumstances may make that impossible/unsafe. Technology is very useful then. (97, Family Court judge)*

*It's greatly dependent upon the users and their ability to make this type of contact work effectively for the child. ... It's quite a fraught area and sometimes used inappropriately with bad outcomes. ... It really is suited to a particular age and stage of development and when it is supported or agreed will happen as per court orders and the parents respect that. (179, Lawyer, Lawyer for the Child, Mediator)*

*It can be very beneficial, but parents have to be willing to learn new things and adopt technology. (116, Lawyer, Lawyer for the Child, Mediator)*

*It is beneficial when there are no complicating factors such as family violence. But again it should be treated case by case as to whether it is appropriate. (176, Lawyer, Lawyer for the Child)*

*It's greatly dependent upon the users and their ability to make this type of contact work effectively for the child. (179, Lawyer, Lawyer for the Child, Mediator)*

*I think all children where possible should be able to have contact with the other parent if it is safe for them. It is more natural to have daily contact with a parent they used to live with. Parents should not restrict based on their preferences. Only restrict based on safety. Use of smart phone too young – exposure to porn, violence, bullying, etc. apart from this, I only see it as a positive. (131, Counsellor/therapist, Child's Voice Specialist, Parenting Through Separation provider)*

*It has a place but needs to be monitored/controlled, so that children are protected from the negative side of the Internet so to speak. (67, Specialist report writer, Supervised contact provider)*

*There is a great variation in my experience and is dependent on the quality of the co-parenting relationship. (134, Mediator, Family Court counsellor, Child's Voice Specialist)*

*My comment having done virtual contact for long periods over a number of years is that there is no substitute for face-to-face. The quality of the virtual contact will depend on the quality of the parenting relationship and the real life i.e., non-virtual relationship with the child. ... [virtual contact] is better than nothing and it has its own meaningful and valuable role to play. (184, Lawyer, Lawyer for the Child)*

The professionals, therefore, could see that virtual contact “has its place” and could be useful in some, but not all, situations, and that there were both risks and benefits. A few professionals noted that while their experiences had not been positive or had varied, they could see that in other situations it could be beneficial.

*It is positive for some, but has risks and very limited benefits for others. (194, Specialist report writer, Psychologist)*

*It has its place, if it's done well. It can be another point of disagreement, and it can be weaponised. (87, Mediator, Child's Voice Specialist)*

*I have not seen it work effectively. However, given the right folk obeying the rules, yes, it could be a great way for children to engage with their non-custodial parent. ... I expect moving forward virtual technology will have a part to play with whānau. However, everyone needs to play fairly, and in immediate separations no one plays fair, not the parents, lawyers, family or at times the court system (delays in everything) and from where I sit (providing supervised contact for over 30 years) it doesn't become fair for anyone for at least 2-3 years. (136, Supervised contact provider)*

*As with general care arrangements where parents are largely agreed, tech contact can just be easy normal and useful. In court matters where there is high conflict, it is often another opportunity for conflict. (196, Lawyer, Lawyer for the Child)*

A common view was that virtual contact had its limitations and as, noted earlier, **should not replace direct, face-to-face contact**. Many professionals saw virtual contact as a helpful **adjunct or supplement to direct contact**. Also, many family justice professionals saw virtual contact as a helpful adjunct or supplement to direct contact and that it was **best used when a positive parent-child relationship already existed**, as virtual contact alone was not thought to be sufficient to create and maintain meaningful relationships or bonds, particularly for very young children.

*It's important to consider as an additional form of contact, but not as a substitute for direct contact. (126, Lawyer, Lawyer for the Child, Mediator)*

*I think there is a need, but face-to-face real contact is by far the most positive way. (71, Supervised contact provider)*

*It is not a replacement for direct contact but a good adjunct or addition to whatever can be done to normalize the care provided by the carer. (106, Family Court judge)*

*Useful as an adjunct to regular face to face contact, very useful for all children if not interfered with. If no other options due to geographical distance, usually better than nothing. (140, Family Court counsellor)*

*Virtual contact is not a replacement for real contact; and it is not suitable to grow relationships that are not yet in place e.g., babies and toddlers. This contact should be more about the parent gaining familiarity and 'bonding' with their child through observation. (109, Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)*

*For many children the focus is on developing the relationship with a parent and virtual contact may not be a good forum for that. It lacks the benefits obtained from physical movement which helps to regulate emotion and typically demands planning rather than encouraging spontaneous interaction. (194, Specialist report writer, Psychologist)*

*Focus really needs to always be on ensuring there is some of direct contact either happening, or being worked towards. Virtual contact is not sufficient to maintain and foster bond. (73, Lawyer)*

*Virtual contact has its place, but I do not think it can entirely replace a face to face contact for the benefits of the children. (211, Supervised contact provider)*

*Need to be careful it's not seen as an equivalent of face to face. It's not for adults – this COVID, Zoom/Teams meetings, Work From Home – and how much people have wanted to be back seeing others in person. Why would it be so for children? Attachment relationships for children require touch! Nurturing requires physical presence. (151, Family Court judge)*

*Technological advances in the methods of communication should always be available as tools for post-separation parent-child contact; particularly where no other form of contact is available. However, unless there are good reasons (e.g., distance, family violence) it is no real substitute for personal face-to-face contact. (208, Lawyer, Lawyer for the Child)*

*I see it as a stepping stone to face-to-face contact unless there are geographical issues. (62, Lawyer, Lawyer for the Child)*

Other professionals, most commonly supervised contact providers, were **less positive about virtual contact and were cautious about its use**, particularly in the context in which they were working.

*For me personally, I would not consider hosting virtual contact for the families that use this service. It cannot be guaranteed that there is no interference from other people*

*while hosting the sessions; too many variables to consider to ensure the safety of the children. (75, Supervised contact provider)*

*I would not recommend it. (136, Supervised contact provider)*

*I think it should be treated with caution. ... I would not want it to be common practice as it can easily be manipulated by controlling ex partners. (80, Kaiārahi – Family Court Navigator)*

*Given a separation is a terrible time for children and parents, I do not believe in the initial phases that technology could assist children and their non-custodial parent. (136, Supervised contact provider)*

*We need to be cautious and think about long-term implications particularly as number of separated families increase. (186, Lawyer)*

*As a service provider, I would not like to have virtual contact as part of our service. (75, Supervised contact provider)*

Virtual contact was regarded as “**inferior to in person**” contact, with face-to-face contact being preferable. Some thought that in the absence of face-to-face contact or when the parent-child relationship was not strong the use of virtual contact was insufficient.

*In almost all cases it's no real substitute for the face-to-face engagement. (212, Mediator, Counsellor/therapist, Family Court Counsellor, Child's Voice Specialist)*

*It does not allow for a real engagement and is very much a necessary second best. (91, Psychologist)*

*If the relationship with the absent parent is not already strong, virtual contact is a very poor substitute for face-to-face contact. (201, Lawyer, Lawyer for the Child)*

*It does not seem to be enough without face-to-face time, to strengthen or maintain attachments, especially with young children. (202, Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)*

*My experience is it is often a poor 'second' for direct contact and too often a means to keep one parent at a distance. (167, Family Court counsellor, social worker)*

A risk identified by some participants was that virtual contact **became the primary form of contact or was relied upon too much**. Concerns were expressed by some professionals that technology and virtual contact was being **accepted too readily** or **used too often as an easy fix** instead of direct contact.

*That this becomes the prime means of contact and face to face occurs less often. (139, Counsellor/therapist)*

*Relied on too heavily. Inhibits good attachments. (140, Family Court counsellor, Counsellor/therapist)*

*Complacency – reduced proactivity re physical contact, children are already exposed to so much virtual use that this only adds further to that. (154, Family Court judge)*

*That it's viewed as a replacement for face-to-face contact. (182, Family court judge)*

*I have a concern that it may be seen too often as a substitute, rather than an adjunct, when face to face is an option. (140, Family Court counsellor)*

*I am very concerned that it so quickly became the 'fix' without reference to the psychological science about what parent child relationships need, which is face-to-face engagement. (91, Psychologist)*

*I view it as somewhat positively as a contingency if in-person contact is impossible. It would be a big mistake if virtual contact is seen as a replacement to in-person contact due to cost savings or convenience. (111, Supervised contact provider)*

*I would be concerned where virtual contact is used instead of (or decreases) face-to-face contact. (139, Counsellor/therapist)*

*Not all parents have the skills to navigate this and we need to be careful about not making contact harder for some families if there is an over reliance on virtual contact. (186, Lawyer)*

*Parents who live far away from their children where there is no constant reception will travel to the closest area where there is to receive that call or try save money to have that data. That's because it's a need. They have no other choice. It's when these exceptional circumstances become a long-term norm for contact is where hardship occurs and breakdown of arrangement happens. That can cause a parent to give up trying to see their children or can cause more conflict giving the impression of losing interest. I just think be careful to set expectation of virtual as a normal way of contact for every whānau. (82, Kaiārahi – Family Court Navigator)*

*Technology is a great aid, but shouldn't be used as an easy answer. (97, Family Court judge)*

*It should always be used in the best interest of the child not as a cost cutting measure. (117, Counsellor/therapist, Supervised contact provider)*



## Key Findings – Family Justice Professionals’ Perspectives and Experiences

### Use of Post-separation Virtual Contact in Aotearoa New Zealand

- The use of virtual contact seems common in Aotearoa New Zealand:
  - The majority (70%) of family justice professionals had noticed an increase in the use of virtual contact over the last five years.
  - Most (93%) advised the family members who they worked with about virtual contact ‘sometimes’ or ‘often’, with over half (55%) doing so ‘often’.
  - Nearly two-thirds (62%) of the professionals estimated that more than half the families they worked with used some form of virtual contact.
  - The most common modes of communication these families used for virtual contact were video calling (96%), phone (95%), and text messaging, either by mobile phone (84%) or via social media (79%).
  - The most common reason for using virtual contact was to supplement direct, face-to-face contact, followed by geographical distance, and the least common reason was because of child protection or safety concerns.
  - All the Family Court judges reported including provisions for virtual contact in parenting orders sometimes (60%) or often (40%).
- Family justice professionals were familiar with digital forms of communication and the majority (92%) felt ‘moderately’, ‘very’ or ‘extremely’ confident advising the family/whānau members they worked with about virtual contact.

### Opportunities, Strengths and Benefits of Virtual Contact Identified by Professionals

- Providing the opportunity to maintain relationships and connections and enabling parent-child contact after parental separation:
  - As a supplement to already established and regular face-to-face contact, allowing more frequent day-to-day communication.
  - In situations when face-to-face contact was not possible for frequent.
  - To protect children’s safety.
  - Enabling safe and graduated approaches when contact needed to be (re)established.
  - To ensure children’s cultural connections are maintained.
- A flexible, cost-effective, fun and convenient mode of communication, that children and young people are familiar with.
- Can shield children from parental conflict or reduce parental conflict.
- Promotes a positive co-parenting relationship and demonstrates this to the child.
- Allows parent-child contact independent of the other parent – particularly for older children.
- Can promote child and parent well-being.
  - Signals to the child they are still important and loved, particularly when frequent direct contact is not possible, which can ameliorate the impact of the separation and worries about the loss of relationship.

## **Key Findings – Family Justice Professionals’ Perspectives and Experiences continued**

- The majority of the professionals thought the most important benefits of virtual contact related to:
  - Maintaining a parental presence in children’s lives when geographically apart (90%).
  - Maintaining or strengthening parent-child relationships (69%).
  - Enabling parents and children to stay connected in real time (63%).
  - Compensating for limited direct face-to-face contact (55%).

### **Challenges, Drawbacks or Risks of Virtual Contact Identified by Professionals**

- Difficulties engaging with children (particularly young children) via technology.
- Parental lack of skill with technology and engaging with children virtually.
- Unrealistic parental expectations.
  - Lack of parental understanding or misinterpretation of normal child behaviour relating to their ability to engage at their age and stage of development.
  - Negative reactions to children’s delayed, or lack of, response.
  - Pressure of parental expectations can place a burden on children.
- Inappropriate or unreliable non-resident parent behaviour.
- Need for adult facilitation or scaffolding, particularly for young children.
- Virtual contact can be a source of, or platform for, ongoing parental conflict, which children can be exposed to or become involved in.
- Virtual contact can be weaponised and used to undermine or monitor the other parent:
  - The resident parent can interfere in or obstruct contact.
  - The contact parent can use virtual contact to gather information and exert coercive control and abuse.
- Safety risks for children and parents, particularly in situations involving high conflict and family violence.
- Privacy concerns:
  - Parental listening, monitoring or recording of contact.
  - Virtual contact provides a window into the other parent’s home.
- The nature of virtual contact:
  - Lack of physical touch and affection.
  - Inferior to direct contact and should not replace face-to-face contact or become the primary form of contact.
- Access to technology:
  - Poor or unreliable internet connections.
  - Cost of technology.
- Timing and scheduling of contact – interruptions to children’s activities. Children want more autonomy and flexibility.
- The most commonly reported challenges experienced by families relayed to family justice professionals were parental non-compliance (74%), parental lack of facilitation or obstruction of contact (70%), parental monitoring or listening (68%), and difficulties keeping children engaged (56%).

## **Key Findings – Family Justice Professionals’ Perspectives and Experiences continued**

### **Barriers to the Use of Virtual Contact**

- Conflict between parents and extended family, animosity, hostility and lack of trust.
- Lack of parental willingness, motivation or commitment.
- Parental obstruction or lack of adherence to arrangements.
- Parental fear of, or concerns about, the other parent’s behaviour and the risk of further abuse and coercive control.
- Young child age.
- Child’s lack of engagement or reluctance to participate.
- Lack of access to the necessary technology and devices.
- Infrastructure issues – a lack of reliable mobile and Wi-Fi reception and internet connectivity.
- Financial barriers – cost of devices, phone credit, data and internet costs.
- Difficulties scheduling contact around different time zones, work commitments and children’s schedules and activities.
- Lack of a suitable person to facilitate or supervise virtual contact.
- Parental lack of technical competence and knowledge about technology.

### **What Works Well/When Virtual Contact is Most Appropriate**

- When direct, face-to-face contact was not possible, regular or frequent, or was restricted.
- When used as an adjunct or supplement to regular face-to-face contact.
- When a positive, secure and established parent-child relationship already existed.
- A positive and co-operative co-parenting relationship.
- When both parents value and support contact and agree to the use of virtual contact.
- When the resident parent was willing to facilitate and scaffold the contact.
- Being flexible and spontaneous.
- Consistency and structure – set times and days.
- Having access to suitable devices and technology.
- More suited for older children.
- Being child centred.
- Ability and skill of contact parent to engage virtually and make the experience a positive and fun one – creativity, use of games, activities, books, etc.

### **Situations When Virtual Contact is Inappropriate**

- In situations involving family violence, abuse and coercive control – monitoring, supervision and risk assessment may be required.
- When Protection Orders were in place.
- High levels of interparental conflict and hostility.
- When both parents do not agree to it.
- When the resident parent is unwilling to facilitate the contact or obstructs the contact.
- When the contact parent behaves inappropriately.
- For babies and very young children.
- When children were upset or triggered by virtual contact.
- When children were reluctant to participate.

## **Key Findings – Family Justice Professionals’ Perspectives and Experiences continued**

### **Cultural Considerations**

- Virtual contact does not allow kanohi ke te kanohi (face to face) which is important for Māori.
- Importance of the role of extended whānau – virtual contact allows connections to whānau and cultural identity and language to be maintained, particularly if separated geographically.
- Recognition that every whānau is unique with their own tikanga, values and needs > a child’s culture and identity should be a consideration for all families of any ethnicity and consultation with whānau is important.
- Cost, lack of access and comfort with technology can be a barrier for some groups.
- Language barriers can exist resulting in safety concerns without interpreters.
- Safety concerns for refugees and immigrants.
- Transnational electronic contact with family members is familiar to immigrant families.
- Challenges with time differences may exist for transnational situations.

### **Barriers to Virtual Contact With a Parent in Prison**

- Structural barriers:
  - Lack of access to technology and equipment.
  - Prison regulations and processes.
  - Difficulties organising contact.
- Parental unwillingness for contact to occur.
- Children’s lack of knowledge about their parent being in prison.

### **Considerations for Disabled Children and Parents**

- Disabled children (and parents), particularly those who are neurodiverse, and have speech, hearing and vision impairments or physical issues may struggle with virtual contact and engaging via technology.
- Device use may be difficult and assisted devices and support may be required.
- Lack of parental understanding of a disabled child’s needs and having unrealistic expectations of their capability to engage in virtual contact can be an issue > parental education and support may be needed.
- Consideration needed to be given to accommodating disabled parents’ needs and the provision and use of aids such as transcription options.

## **Key Findings – Family Justice Professionals’ Perspectives and Experiences continued**

### **Children’s Age**

- Children have grown up with technology and are “tech savvy” compared with older generations who may not be aware of risks.
- Children’s own awareness of online safety issues may also be lacking > care needs to be taken to protect children from these risks.
- Very young children can struggle with virtual contact and remaining engaged and focused, so it may not be appropriate or effective or may require adult facilitation.
- Virtual contact with young children should be frequent and brief > parents may have unrealistic expectations about appropriate durations for virtual contact with young children.
- Young people may be reluctant to have real-time or video contact.
- Some professionals thought age was irrelevant and virtual contact use was dependent on the individual child, on a case-by-case basis.

### **Helpfulness of Information, Resources or Guides About Virtual Contact**

- The majority of the professionals thought that having information, resources or guides would be ‘very’ or ‘extremely’ helpful for separated families/whānau (70%) or family justice professionals (72%).
- Around two-thirds detailed some type of information, guidance or training they would find helpful for either themselves or for separated families.

### **Suggested Changes to Policy, Practice and the Law**

- Consideration and guidance given to virtual contact when Protection Orders were in place.
- Improved access to, and uptake of, virtual contact and venues for supervised virtual contact.
- Addressing safety and privacy concerns and strengthen protection for children.
- Clarity and education for parents around the Privacy Act 2020 in relation to posting information and images of their children online.
- Provision of education and guidance for parents about virtual contact.
- Setting up parenting agreements or orders that detailed boundaries, rules and expectations about appropriate parental behaviour and specified what virtual contact platforms were to be used.
- Very few professionals thought that any legislative or policy changes relating to virtual contact were necessary in Aotearoa New Zealand, recognising that every whānau was unique and standardisation of practice was not always feasible or desirable.

## **Key Findings – Family Justice Professionals’ Perspectives and Experiences continued**

### **Future Role of Technology in Post-Separation Parent-Child Contact**

- Technology use and virtual contact would increase and technology was the way of the future > family justice sector needed to embrace it and keep up to date with developments.
- Caution is needed over rapid technological advancements and the associated risks and pitfalls > parents and professionals needed to have awareness of potential risks.
- Concern was also expressed about the role of technology and its use for gaining evidence to be used in court proceedings.

### **Views About Virtual Contact**

- The family justice professionals were overwhelmingly more positive than negative about virtual contact overall:
  - 90% rated it ‘somewhat’ (58%) or ‘very’ (33%) positively.
  - 7% rated it ‘somewhat’ (6%) or ‘very’ (1%) negatively.
- Many of the professionals’ comments were positive, seeing virtual contact as a useful tool to maintain parent-child relationships and connections, but they could identify both risks and benefits and recognised it could be useful in some, but not all, situations.
- Positive views on virtual contact were often conditional and dependent on:
  - It being done safely and was beneficial for the child.
  - The absence of family violence and high parental conflict.
  - Parental support for its use.
  - Parents being child focused.
  - The temporary or contingent use of virtual contact.
- A commonly expressed view was that virtual contact had its limitations and should supplement, not replace, direct face-to-face contact, and was best used when a positive parent-child relationship already existed.
- Virtual contact was regarded as inferior to in-person contact.
- Concerns were expressed about virtual contact being relied upon too readily or becoming the primary form of contact.

## CONCLUSION

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This research has shown that post-separation virtual contact is a contemporary and topical issue in Aotearoa New Zealand. From the perspectives of family justice professionals, families are using it to maintain contact and parent-child relationships after parental separation and Family Court judges are ordering its use. Technology-facilitated communication is now ubiquitous in society for many purposes and the use of technology seen as the “wave of the future”, with the use of virtual contact likely to increase.

While, on balance, virtual contact was viewed more favourably than not, the research has revealed both benefits and challenges to its use and many family justice professionals had a balanced view – seeing virtual contact as helpful and beneficial in some cases and limited and potentially harmful in others. Its usefulness in maintaining relationships and connections also came with several general caveats: (1) that face-to-face contact was preferable and superior; (2) that it was best used when parent-child relationships were established; and (3) as a means to supplement, rather than replace, direct contact. While not a panacea for physical distance and a lack of direct physical contact, the use of virtual contact was regarded as “better than nothing” when face-to-face contact was limited or not possible and helpful in re-establishing contact after periods of limited or no contact or when there are concerns about children’s safety.

The research also demonstrated the benefits of virtual contact can be situation dependent. If there is a positive parent-child relationship and regular face-to-face contact is occurring, virtual contact can be a helpful way to maintain contact between visits and for parents and children to keep up to date with each other’s lives. It allows everyday, more informal and naturalistic check-ins in a manner similar to how parents and children might communicate prior to the separation. It is also a way of maintaining contact and relationships if regular direct contact is not possible or frequent. If the contact is well planned and the parent is skilled at engaging with children virtually and sensitive to their child’s needs, it can work very well. It can be a fun and enjoyable experience for children and allow them to feel close to their contact parent, despite the lack of physical presence. However, in other situations involving parental conflict, family violence and poor parent-child relationships virtual contact can be problematic and, in some cases, not in a child’s best interests. Determining whether the use of virtual contact is appropriate and likely to be beneficial is thus dependent on many factors, with each family/whānau unique.

The findings from all four strands of this research (literature review, case law analysis, key stakeholder consultations, and survey of family justice professionals) showed a striking consistency, with several key themes and issues emerging which have implications pertinent for considerations about the use of virtual contact. First, **the importance of the quality of parental relationship** came through strongly as a critical factor in the success or appropriateness of the use of virtual contact. Virtual contact was seen to work well when there is a good co-parenting relationship and both parents can see the benefits of virtual contact and support its use to maintain a child’s relationship with their parent(s). The importance of the resident parent in facilitating the contact – by way of setting up the

necessary equipment, scaffolding children's interactions with their contact parent, and keeping the contact parent informed about their child's day-to-day life so as to assist with conversation topics – not only helps keeps the child engaged and the contact enjoyable, satisfying and meaningful, but also demonstrates that they support their child's relationship and interaction with their other parent. This can require considerable goodwill and effort on the part of the resident parent, but perhaps lacking if the parental relationship is poor or conflictual.

Family violence or high parental conflict emerged repeatedly as a challenge, a risk factor, and as a reason which precluded, or acted as a barrier to, the use of virtual contact. In such situations the potential exists for virtual contact to be weaponised, either by way of the resident parent not facilitating, interfering in, listening in on, monitoring or obstructing contact, or the contact parent using it to pry into the other parent's home, gather information, and continue to exert coercive control and abuse. Both parents can use virtual contact maliciously to manipulate and undermine the other parent and the child. Virtual contact can also be a source of parental conflict which children can be exposed to or become involved in. Therefore, the use of virtual contact in situations involving family violence and parental conflict can present potential risks to both children's and parents' safety and privacy and careful consideration ought to be given to its use and the need for any monitoring and supervision.

Second, **parental expectations and skill with engaging with children virtually** came through as an issue with implications for the success of the use of virtual contact. Young children and those with disabilities may find engaging and remaining focused during virtual contact a challenge, requiring not only the facilitation of a co-located parent or adult, but also the active engagement of the contact parent. Parents may not be skilled in communication with children, likely heightened on virtual contact platforms (e.g., video calls) which may require more immediate and focused interactions. They may also lack knowledge about the limits of young children's attention spans and their ability to engage virtually and about how young people communicate via digital mediums. This can result in unrealistic parental expectations about virtual contact and their children's behaviour during contact, thereby finding the contact dissatisfying or frustrating. If they blame the other parent for the child's lack of engagement or responsiveness this can also lead to parental conflict. Children may also feel pressured or guilty for not meeting their parent's expectations so that virtual contact becomes a burden or a chore, which may lead to resentment or a reluctance to participate.

A lack of competence, familiarity or knowledge about technology can mean parents are unwilling or unable to engage with children and young people via their preferred modes of communication and/or not understand any potential online safety risks for children and young people. The **need for education and guidance** for parents about technology use and communication platforms, online safety risks, and what is reasonable to expect of children and young people in relation to virtual contact is an important implication of this finding. Guidance such as this could also ensure parents are 'on the same page' about technology use, with consistency in rules and safeguards in each home to ensure children's online safety and privacy is protected and not compromised by virtual contact.



The third key theme from the research relates to the **need for virtual contact to be child focused**. This came through repeatedly from many different avenues. As discussed above, by parents being child centred – taking into account the child’s age and developmental stage and understanding their particular needs and capabilities, rather than focusing on their own needs or desires – makes parental expectations about virtual contact realistic and the contact less pressured for children. There are many reasons a child may not be engaged or responsive during virtual contact or be reluctant to participate at all. Parental understanding and acceptance of these can help ensure children enjoy virtual contact, rather than feel guilty or burdened by it, or forced into participating. Being child centred also involves fitting arrangements for virtual contact around children’s routines and schedules (such as work, sports, and social lives), ensuring it does not clash or interfere with their other activities, and being flexible in adapting scheduled arrangements to children’s needs. Being child focused can also ensure children’s safety and well-being is paramount, and that they are not exposed to parental conflict, abuse, manipulation or adult issues.

Similarly, an awareness and understanding of children and young people’s own preferences and comfort levels with technology and the communication modes that they are familiar with and prefer using, can make virtual contact more normalised and child focused. Parents may not have the technical skills or knowledge about the virtual contact platforms children and young people prefer, and professionals urged parents to educate and upskill themselves about these. A child-centred approach to virtual contact also recognises children’s agency and autonomy, by seeking their contribution to decisions about the use of virtual contact, the communication modes used, and the scheduling of contact. Research shows that children and young people want to be able to initiate contact themselves and not to have to wait for their parent to contact them. They also want more fluid and flexible arrangements. The research literature also made calls for more research about children and young people’s perspectives about post-separation virtual contact.

Finally, **access to the necessary equipment, technology and infrastructure** was another factor that could impact on the use of virtual contact. As a Kaiārahi – Family Court Navigator, aptly noted: “Putting too much thought into using technology is a waste of great mind and resource if the foundation to make it reliable and accessible are not there”. Virtual contact is not possible without access to the necessary technology and devices, internet, mobile and Wi-Fi reception, and the ability to pay for the cost of these. Furthermore, unreliable technology and infrastructure can result in virtual contact being a frustrating and disappointing experience for all involved. An imbalance in technology between households can result in children and young people not being able initiate contact and have autonomy over their virtual contact.

## **FUTURE DIRECTIONS**

This study explored post-separation virtual contact from a variety of sources and viewpoints – judicial decisions, research and academic literature, and family justice professionals, both internationally and domestically. In itself, the study has added to the existing evidence base about post-separation virtual contact for which a paucity of research exists. While this research has provided valuable insights into the strengths, pitfalls and challenges of virtual contact, what is missing is an understanding of the experiences and perspectives of families

who use it themselves – particularly the perspectives of children and young people. Research addressing this need is a key future direction to better understand virtual contact from all involved parties. The triangulation of data from multiple angles would thus enable a comprehensive understanding about virtual contact in the Aotearoa New Zealand context and provide robust research evidence to inform resources and guidance for families and the family justice professionals who assist them.

# BIBLIOGRAPHY

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## References

- AAP Council on Communications and Media. (2016). Media and young minds. *Pediatrics*, 138(5), e20162591.
- Abel, S., Machin, T., & Brownlow. (2021). Social media, rituals, and long-distance family relationship maintenance: A mixed-methods systematic review. *New Media & Society*, 23(3), 632-654.
- Adamsons, K. (2022). COVID-19 and the relationships and involvement of nonresident fathers. *Family Relations: Interdisciplinary Journal of Applied Family Science*, 71, 827-848.
- Afrouz, R. (2023). The nature, patterns and consequences of technology-facilitated domestic abuse: A scoping review. *Trauma, Violence, & Abuse*, 24(2), 913-927.
- American Academy of Child & Adolescent Psychiatry. (2020). *Screen time and children*. [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/Children-And-Watching-TV-054.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Children-And-Watching-TV-054.aspx)
- American Academy of Pediatrics. (2011). Policy statement: Media use by children younger than 2 years. *Pediatrics*, 128(5), 1040-1045.
- Ames, M. G., Go, J., Kaye, J., & Spasojevic, M. (2010). *Making love in the network closet: The benefits and work of family videochat*. 2010 ACM Conference on Computer Supported Cooperative Work, CSCW, Savannah, Georgia, USA.
- Anderson, M., Faverio, M., & Gottfried, J. (2023). *Teens, social media and technology 2023*. Pew Research Centre. <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>
- Arch, M., Fabregas, M., & Pereda, N. (2019, July). *Long-distance parenting: Use of information and communication technologies (ICTs) in relocation cases*. Poster presentation at the Annual Conference of the European Association of Psychology and Law.
- Bach-Van Horn, E. (2008). Virtual visitation: Are webcams being used as an excuse to allow relocation? *Journal of the American Academy of Matrimonial Lawyers*, 21, 171-192.
- Bailey, S. J. (2003). Challenges and strengths in nonresidential parenting following divorce. *Marriage & Family Review*, 35(1-2), 29-44.
- Ballagas, R., Kaye, J., Ames, M., Go, J., & Raffle, H. (2009, June). *Family communication: Phone conversations with children*. IDC 2009 conference, Como, Italy.
- Barr, R. (2013). Memory constraints on infant learning from picture books, television, and touchscreens. *Child Development Perspectives*, 7(4), 205-210.
- Baude, A., Henaff, G., Potin, E., Bourassa, A., Saint-Jacques, M., & Noël, J. (2023). Information and communication technology use among children separated from one or both parents: A scoping review. *Family Relations*, 72(2), 1-20.
- Beckmeyer, J. J., Markham, M. S., & Troilo, J. (2019). Postdivorce coparenting relationships and parent-youth relationships: Are repartnership and parent-youth contact moderators? *Journal of Family Issues*, 40(5), 613-636.
- Bennete, E., Metzinger, A., Lee, M., Ni, J., Nishith, S., Kim, M., & Schachner, A. (2021). Do you see what I see? Children's understanding of perception and physical interaction over video chat. *Human Behavior and Emerging Technologies*, 3, 484-494.

- Birnbaum, R. (2019a). "Virtual parenting" after separation and divorce. <https://vanierinstitute.ca/virtual-parenting-after-separation-and-divorce/>
- Birnbaum, R. (2019b). *The virtual world of parent-child contact: Exploring the views and experiences of children, parents and family justice professionals*. <https://apfmnet.org/virtual-world-of-parent-child-contact-rachel-birnbaum/>
- Birnbaum, R. (2020). Virtual parent-child contact post-separation: Hearing from multiple perspectives on the risks and rewards. *Canadian Family Law Quarterly*, 39(1), 75-97.
- Blasko, K. A., & Murphy, P. R. (2016). Military parenting in the digital age: Existing practices, new possibilities. In A. H. Gewirtz & A. M. Youssef (Eds.), *Parenting and children's resilience in military families* (pp. 265-282). Springer.
- Brown, B. (2014). *Digital media and the internet – New Zealanders' use of the internet*. In Te Ara – the Encyclopedia of New Zealand. <https://teara.govt.nz/en/digital-media-and-the-internet>
- Bryce, J., Livingstone, S., Davidson, J., Hall, B., & Smith, J. (2023). *Evidence review on online risks to children*. London: NSPCC.
- Buhler, T., Neustaedter, C., & Hillman, S. (2013, February). *How and why teenagers use video chat*. Paper presented at the CSCW '13 Conference, San Antonio, USA.
- Cao, X., Sellen, A., Brush, A. J. B., Kirk, D., Edge, D., & Ding, X. (2010). Understanding family communication across time zones. *CSCW*, February 6-10, 155-158. [https://www.researchgate.net/publication/220879331\\_Understanding\\_family\\_communication\\_across\\_time\\_zones](https://www.researchgate.net/publication/220879331_Understanding_family_communication_across_time_zones)
- Carson, R., Dunstan, E., Dunstan, J., & Roopani, D. (2018). *Children and young people in separated families: Family law system experiences and needs*. Melbourne: Australian Institute of Family Studies.
- Castelain-Meunier, C., & Libbrecht, L. (1997). The paternal cord. Telephone relationships between 'non-custodian fathers and their children. *French Journal of Communication*, 5(2), 161-176.
- Chen, H. (2020). Left-behind children as agents: Mobile media, transnational communication and the mediated family gaze. In J. V. A. Cabañes & C. S. Uy-Tioco (Eds.), *Mobile media and social intimacies in Asia* (pp. 133-151). Springer.
- Chen, V. H., Goh, T., & Li, W. (2010). *Welcome to Facebook: How Facebook influences parent-child relationship*. Paper presented at the Sixth Conference of Taiwan Academy for Information Society, Taiwan.
- Christensen, T. H. (2009). 'Connected presence' in distributed family life. *New Media & Society*, 11, 433-451.
- Connell, S. L., Lauricella, A. R., & Wartella, E. (2015). Parental co-use of media technology with their young children in the USA. *Journal of Children and Media*, 9(1), 5-21.
- Copson, R., Murphy, A. M., Cook, L., Neil, E., & Sorensen, P. (2022). Relationship-based practice and digital technology in child and family social work: Learning from practice during the COVID-19 pandemic. *Developmental Child Welfare*, 4(1), 3-19.
- Cullen, R. (2002). *Addressing the digital divide*. <https://www.lianza.org.nz/wp-content/uploads/2019/06/cullen.pdf>
- Dalsgaard, T., Skov, M. B., Stougaard, M., & Thomassen, B. (2006). *Mediated intimacy in families: Understanding the relation between children and parents*. Paper presented at IDC'06, Tampere, Finland.
- Demirsu, I. (2020). Watching them grow: Intergenerational video-calling among transnational families in the age of smartphones. *Global Networks*, 22, 119-133.

- digital.govt.nz. (n.d.). *Digital inclusion and wellbeing in New Zealand*. <https://www.digital.govt.nz/dmsdocument/161~digital-inclusion-and-wellbeing-in-new-zealand/html#MBIE>
- Digital Inclusion Research Group. (2017). *Digital New Zealanders: The pulse of our nation*. A report to MBIE and DIA. <https://www.mbie.govt.nz/dmsdocument/3228-digital-new-zealanders-the-pulse-of-our-nation-pdf>
- Doucet, C. E. (2011). "See you on Skype!": Relocation, access, and virtual parenting in the digital age. *Canadian Journal of Family Law*, 27, 297-350.
- Dragiewicz, M., Woodlock, D., Salter, M., & Harris, B. (2022). "What's Mum's password?": Australian mothers' perceptions of children's involvement in technology-facilitated coercive control. *Journal of Family Violence*, 37, 137-149.
- Ducu, V., Hărăguș, M., Angi, D., & Telegdi-Csetri, A. (2022). Asserting children's rights through the digital practices of transnational families. *Family Relations: An Interdisciplinary Journal of Applied Family Studies*, 72, 458-477.
- Durham, S. W. (2015). Service members' experiences in staying connected with family while deployed. *Advances in Nursing Science*, 38(4), 279-297.
- Dworkin, J., McCann, E., & McGuire, J. K. (2016). Coparenting in the digital era: Exploring divorced parents' use of technology. In G. Ganesini & S. L. Blair (Eds.), *Divorce, separation, and remarriage: The transformation of family (Contemporary perspectives in family research, Vol. 10)* (pp. 279-298). Leeds, UK: Emerald Publishing.
- Eynon, R. (2020). The myth of the digital native: Why it persists and the harm it inflicts. In T. Burns & F. Gottschalk (Eds.), *Education in the digital age: Healthy and happy children* (pp. 131-143). Paris: OECD.
- Families Commission. (2012). *Tūpuna – Ngā Kaitiaki Mokopuna: A resource for Māori grandparents*. Wellington, New Zealand: Families Commission.
- Fielden, K., & Goldson, J. (2005, August). *ICT enabled communication in the Family Court: Eliciting the child's voice*. Americas Conference on Information Systems (AMCIS) 2005 Proceedings, 3436-3444.
- Fielden, K. (2007). *ICT in the New Zealand Family Court*. Pacific Asia Conference on Information Systems (PACIS) 2007 Proceedings, article 52.
- Figuracion, M. T. (2015). *Māori me te Ao Hangarau, 2015: The Māori ICT report 2015*. Wellington, New Zealand: Ministry of Business Innovation & Employment.
- Flango, C. R. (2003). Virtual visitation – Is this a new option for divorcing parents? *2003 report on trends in the State Courts*, 20, 21.
- Flynn, C., Bartels, L., Dennis, S., Taylor, H., & Harrigan, S. (2022). Contact experiences and needs of children of prisoners before and during COVID-19: Findings from an Australian survey. *Child & Family Social Work*, 27, 67-78.
- Fong, E. (2020). *Examining the relationship between parent reported satisfaction with the parent-child relationship and the use of virtual visitation* [Doctoral thesis, Fielding Graduate University].
- Friedlander, W. S. (2002). Exploring the Net impact on family law. *Trail; Washington*, 38, 56-61.
- Fuchsberger, V., Beuthel, J. M., Bentegeac, P., & Tscheligi, M. (2021). *Grandparents and grandchildren meeting online: The role of material things in remote settings* CHI Conference on Human Factors in Computing Systems Yokohama, Japan.
- Furukawa, R., & Driessnack, M. (2013). Video-mediated communication to support distant family connectedness. *Clinical Nursing Research*, 22(1), 82-94.

- Gollop, M., & Taylor, N. (2012). New Zealand children and young people's perspectives on relocation following parental separation. In M. Freeman (Ed.), *Law and Childhood Studies: Current legal issues*, Volume 14 (pp. 219-242). Oxford University Press.
- Gollop, M., & Taylor, N. (2017-2018). [Data from *Parenting Arrangements After Separation Study: Evaluating the 2014 family law reforms*] [Unpublished raw data]. Children's Issues Centre, University of Otago.
- Gonzalez, C., & Katz, V. S. (2016). Transnational family communication as a driver of technology adoption. *International Journal of Communication*, 10, 2683-2703.
- Gora, Y. (2009). *Information & communication technologies ICT and effects on 'togetherness' in family households*. RMIT University/Smart Services, Cooperative Research Centre. <https://apo.org.au/sites/default/files/resource-files/2009-12/apo-nid69437.pdf>
- Gottfried, S. L. (2002). Virtual visitation: The wave of the future in communication between children and non-custodial parents in relocation cases. *Family Law Quarterly*, 36(3), 475-485.
- Gottfried, S. L. (2003). Virtual visitation: The new wave of communication between children and non-custodial parents in relocation cases. *Cardozo Women's Law Journal*, 9, 567-596.
- Graham, E., Jordan, L. P., Yeoh, B. S. A., Lam, T., Asis, M., & Su-kamdi. (2012). Transnational families and the family nexus: perspectives of Indonesian and Filipino children left behind by migrant parent(s). *Environment and Planning A*, 44, 793-815.
- Greenhow, S., Hackett, S., Jones, C., & Meins, E. (2017). Adoptive family experiences of post-adoption contact in an internet era. *Child and Family Social Work*, 22, 44-52.
- Grimes, A., & White, D. (2019). *Digital inclusion and wellbeing in New Zealand*. Motu Working Paper 19-17. Wellington, New Zealand: Motu Economic & Public Policy Research.
- Grocott, S. (2022). Online children's contact services (CCS): What COVID taught us! *Family & Relationship Services Australia 2022 National Conference e-Journal*, 5, 70-78.
- Heiselberg, M. H. (2016, December 21). Parenting from a distance: the case of Danish soldiers on deployment. Parenting for a Digital Future. <https://blogs.lse.ac.uk/parenting4digitalfuture/2016/12/21/parenting-from-a-distance-the-case-of-danish-soldiers-on-deployment/>
- Himel, A., & Paulseth, D. (2022). 1-800-ZOOM-ME: A Divorce Act update on post-relocation parenting time, travel costs and child support. *Canadian Family Law Quarterly*, 41(2), 195-225.
- Himel, A., Paulseth, D., & Cohen, J. (2016). 1-0800-SKYPE-ME. *Family Court Review*, 54(3), 457-476.
- hoang, L. A., & Yeoh, B. S. A. (2012). Sustaining families across transnational spaces: Vietnamese migrant parents and their left-behind children. *Asian Studies Review*, 36(3), 307-325.
- Horgan, S., & Poehlmann-Tynan, J. (2020). In-home video chat for young children and their incarcerated parents. *Journal of Children and Media*, 14(3), 400-406.
- Hughes, C. (2023). Active internet users as percentage of the total population in New Zealand from 2015 to 2021. <https://www.statista.com/statistics/680688/new-zealand-internet-penetration/>
- Iyer, P., Albakri, M., Burridge, H., Mayer, M., & Gill, V. (2020a). *The effects of digital contact on children's wellbeing: evidence from public and private law contexts*. Rapid evidence review. London, UK: Nuffield Family Justice Observatory.



- Iyer, P., Albakri, M., Burridge, H., Mayer, M., & Gill, V. (2020b). *The effects of digital contact on children's wellbeing: evidence from public and private law contexts*. Rapid evidence review, briefing paper. London, UK: Nuffield Family Justice Observatory.
- Jang, E., & Ko, B. (2023). Online safety for children and youth under the 4Cs framework – A focus on digital policies in Australia, Canada and the UK. *Children, 10*(8), 1415.
- Janning, M. Y. (2019). Parenthood in the age of apps and mommy blogs: Technology and digital culture in parent-child relations. In M. Y. Janning (Ed.), *Contemporary parenting and parenthood: From news headlines to new research* (pp. 67-89). Praeger.
- Judge, T. K., & Neustaedter, C. (2010). Sharing conversation and sharing life: Video conferencing in the home. 28th ACM CHI 2010 Conference on Human Factors in Computing Systems, Atlanta, USA.
- Kartch, F., & Timmerman, L. M. (2015). Nonresidential parenting and new media technologies: A double-edged sword. In C. J. Bruess (Ed.), *Family communication in the age of digital and social media* (pp. 447-468). Peter Lang.
- Katz, J. E., & Crocker, E. T. (2015). Skype in daily life: General patterns, emerging uses, and concerns. In J. Carvalheiro & S. Tellería (Eds.), *Mobile and digital communication: Approaches to public and private* (pp. 5-23). LabCom Books.
- Keane, B. (2010). *Mātauranga hangarau – information technology – Access to technology*. In Te Ara – the Encyclopedia of New Zealand. <http://www.TeAra.govt.nz/en/matauranga-hangarau-information-technology/page->
- Kelly, J. (2012). Risk and protective factors associated with child and adolescent adjustment following separation and divorce: Social science applications. In K. Kuehnle & L. Drozd (Eds.), *Parenting plan evaluations: Applied research for the Family Court* (pp. 49-84). Oxford University Press.
- Kemp, S. (2024). *Digital 2024: New Zealand*. <https://datareportal.com/reports/digital-2024-new-zealand>
- Kennedy, T. L. M., & Wellman, B. (2007). The networked household. *Information, Communication & Society, 10*(5), 645-670.
- Kimball, H. G., Fernandez, F., Moskowitz, K., Kang, M., Alexander, L. M., Conway, K. P., Merikangas, K. R., Salum, G. A., & Milham, M. P. (2023). Parent-perceived benefits and harms associated with internet use by adolescent offspring. *JAMA Network Open, 6*(10), e2339851.
- Klein, J. (2020, June 24). Virtual parental visitation could have unintended consequences for abuse survivors. *The Atlantic*. <https://www.theatlantic.com/family/archive/2020/06/dangers-virtual-visitation-abuse-victims/613243/>
- LaMarca, J. (2012). Virtually possible – Using the internet to facilitate custody and parenting beyond relocation. *Rutgers Computer and Technology Law Journal, 38*(1), 146-172.
- Lamb, M. E. (2016). Critical analysis of research on parenting plans and children's well-being. In L. Drozd, M. Saini, & N. Olsen (Eds.), *Parenting plan evaluations: Applied research for the Family Court* (2nd ed., pp. 170-202). Oxford University Press.
- Lanigan, J. D. (2009). A sociotechnological model for family research and intervention: How information and communication technologies affect family life. *Marriage & Family Review, 45*(6-8), 587-609.
- Lanigan, J. D., Bold, M., & Chenoweth, L. (2009). Computers in the family context: Perceived impact on family time and relationships. *Family Science Review, 14*, 16-31.

- Lee, S. H. (2021). 'I am still close to my child': middle-class Korean wild geese fathers' responsible and intimate fatherhood in a transnational context. *Journal of Ethnic and Migration Studies*, 47(9), 2161-2178.
- LeVasseur, A. (2004). Virtual visitation: How will courts respond to a new and emerging issue? *The Quinnipiac Probate Law Journal*, 17(3-4), 362-382.
- Liang, R., Yang, Y., & Van Leeuwen, K. (2023). Mobile phone parenting in work-separated Chinese families with young children left behind: A qualitative inquiry into parenting dimensions and determinants. *Child & Family Social Work*, 28, 1-13.
- Licoppe, C. (2004). "Connected" presence: The emergence of a new repertoire for managing social relationships in a changing communication technoscape. *Environment and Planning D: Society and Space*, 22(1), 135-156.
- Livesay, C. B. (2012). *Multimodal fathering: How divorced nonresidential fathers enact their identities with their children* [Doctoral thesis, University of Iowa]. <https://www.proquest.com/socscijournals/docview/1293047312/fulltextPDF/10A3278E6FC5438DPQ/6?accountid=14700>
- Livingstone, S., & Stoilova, M. (2021). *The 4Cs: Classifying online risk to children*. (CO:RE Short Report Series on Key Topics). Hamburg: Leibniz-Institut für Medienforschung | Hans-Bredow-Institut (HBI); CO:RE - Children Online: Research and Evidence.
- Loper, A. B., & Coleman, E. S. (2014). Video visitation for inmates: Thinking outside of the tiny box. *Corrections Today*, 76(2), 54-59.
- MacDonald, J., Truong, M., Willoughby, M., & March, E. (2023). *Technology-facilitated coercive control* (Practice Guide). Melbourne, Australia: Australian Institute of Family Studies. <https://aifs.gov.au/resources/practice-guides/technology-facilitated-coercive-control>
- McKay, J. (2006). Virtual parenting. *Government Technology*, July, 30-34. <https://www.govtech.com/magazines/gt/virtual-parenting.html>
- Madianou, M. (2012). Migration and the accentuated ambivalence of motherhood: The role of ICTs in Filipino transnational families. *Global Networks*, 12(3), 277-295.
- Madianou, M. (2014). Smartphones as polymedia. *Journal of Computer-Mediated Communication*, 19(3), 667-680.
- Madianou, M. (2016). Ambient co-presence: Transnational family practices in polymedia environments. *Global Networks*, 16(2), 183-201.
- Madianou, M. (2019). Migration, transnational families, and new communication technologies. In J. Retis & R. Tsagarousianou (Eds.), *The handbook of diasporas, media, and culture* (pp. 577-590). John Wiley & Sons.
- Madianou, M., & Miller, D. (2011). Mobile phone parenting: Reconfiguring relationships between Filipina migrant mothers and their left-behind children. *New Media & Society*, 13(3), 457-470.
- Madianou, M., & Miller, D. (2012a). Polymedia: Towards a new theory of digital media in interpersonal communication. *International Journal of Cultural Studies*, 16(2), 169-187.
- Madianou, M., & Miller, D. (2012b). *Migration and new media: Transnational families and polymedia*. Taylor & Francis.
- Manueli, K. T. (2012). *Pasifika tertiary students' use of information and communication technologies* [Doctoral thesis, Victoria University of Wellington]. [https://openaccess.wgtn.ac.nz/articles/thesis/Pasifika\\_Tertiary\\_Students\\_Use\\_of\\_Information\\_and\\_Communication\\_Technologies/17000668/1](https://openaccess.wgtn.ac.nz/articles/thesis/Pasifika_Tertiary_Students_Use_of_Information_and_Communication_Technologies/17000668/1)



- Markwick, K., Bickerdike, A., Wilson-Evered, E., & Zeleznikow, J. (2019). Technology and family violence in the context of post-separated parenting. *Australian and New Zealand Journal of Family Therapy*, 40, 143-162.
- McClure, E., & Barr, R. (2017). Building family relationships from a distance: Supporting connections with babies and toddlers using video and video chat. In R. Barr & D. Nichols Linebarger (Eds.), *Media exposure during infancy and early childhood: The effects of content and context on learning and development* (pp. 227-248). Cham, Switzerland: Springer.
- McClure, E., Chentsova-Dutton, Y. E., Barr, R., Holochwost, S. J., & Parrott, W. G. (2016). "Facetime doesn't count": Video chat as an exception to media restrictions for infants and toddlers. *International Journal of Child-Computer Interaction*, 6, 1-6.
- McClure, E., Chentsova-Dutton, Y. E., Holochwost, S. J., Parrott, W. G., & Barr, R. (2018). Look at that! Video chat and joint visual attention development among babies and toddlers. *Child Development*, 89(1), 27-36.
- Melhuish, N., & Pacheco, E. (2021). *The digital parenting strategies and behaviours of New Zealand parents: Evidence from Ngā taiohi matihiko o Aotearoa – New Zealand Kids Online*. Wellington, New Zealand: Netsafe.<https://netsafe.org.nz/wp-content/uploads/2021/08/Parental-mediation.pdf>
- Mesch, G. (2016). Parent-child connections on social networking sites and cyberbullying. *Youth & Society*, 50(8). <https://doi.org/10.1177/0044118X16659>
- Ministry of Health. (2017). *Sit less, move more, sleep well: Active play guidelines for under-fives*. Wellington, New Zealand: Ministry of Health.
- Myers, L. J., Crawford, E., Murphy, C., Aka-Ezoua, E., & Felix, C. (2018). Eyes in the room trump eyes on the screen: effects of a responsive co-viewer on toddlers' responses to and learning from video chat. *Journal of Children and Media*, 12(3), 275-294.
- Myers, L. J., LeWitt, R. B., Gallo, R. E., & Maselli, N. M. (2017). Baby FaceTime: can toddlers learn from online video chat? *Developmental Science*, 20, e12430.
- Neil, E., Copson, R., & Sorensen, P. (2020a). *Contact during lockdown: How are children and their birth families keeping in touch? Briefing paper*. London: Nuffield Family Justice Observatory/University of East Anglia. [https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/nfjo\\_contact\\_lockdown\\_rapid\\_research\\_briefing\\_paper\\_20200520\\_final.pdf](https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/nfjo_contact_lockdown_rapid_research_briefing_paper_20200520_final.pdf)
- Neil, E., Copson, R., & Sorensen, P. (2020b). *Contact during lockdown: How are children and their birth families keeping in touch?* London: Nuffield Family Justice Observatory/University of East Anglia. [https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/nfjo\\_contact\\_lockdown\\_rapid\\_research\\_main\\_report\\_revised\\_20200522.pdf](https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/nfjo_contact_lockdown_rapid_research_main_report_revised_20200522.pdf)
- Neustaedter, C., Pang, C., Forghani, A., Oduor, E., Hillman, S., Judge, T. K., Massimi, M., & Greenberg, S. (2015). Sharing domestic life through long-erm video connections. *ACM Transactions on Computer-Human Interactions*, 22(1), 1-29.
- Ngata, W. (2017). Kanohi ke te kanohi: Face-to-face in digital space. In H. Whaanga, T. T. Keegan, & M. Apperley (Eds.), *He Whare Hangarau Māori: Language, culture & technology* (pp. 178-183). Faculty of Māori and Indigenous Studies, University of Waikato. [https://www.waikato.ac.nz/data/assets/pdf\\_file/0009/394920/chapter23.pdf](https://www.waikato.ac.nz/data/assets/pdf_file/0009/394920/chapter23.pdf)
- Nichols, S., & Selim, N. (2022). Digitally mediated parenting: A review of the literature. *Societies*, 12, 60. <https://doi.org/10.3390/soc12020060>

- O'Carroll, A. D. (2013a). An analysis of how rangatahi Māori use social networking sites. *MAI Journal*, 2(1), 46-59.
- O'Carroll, A. D. (2013a). Māori identity construction in SNS. *International Journal of Critical Indigenous Studies*, 6(2), 2-16.
- O'Carroll, A. D. (2013b). Kanohi ki te kanohi – a thing of the past? Examining the notion of “virtual” ahikā and the implications for kanohi ki te kanohi. *A Journal of Aboriginal and Indigenous Community Health*, 11(3), 441-455.
- O'Carroll, A. D. (2013c). *Kanohi ki te kanohi – a thing of the past? An examination of Māori use of social networking sites and the implications for Māori culture and society* [Doctoral thesis, Massey University].
- O'Carroll, A. D. (2013e). Virtual whanaungatanga: Māori utilizing social networking sites to attain and maintain relationships. *AlterNative: An International Journal of Indigenous People's*, 9(3), 189-273.
- O'Carroll, A. D. (2015). Virtual tangihanga, virtual tikanga: Investigating the potential and pitfalls of virtualising Māori cultural practices and rituals. *The Canadian Journal of Native Studies*, 35(2), 183-206.
- Oehme, K., O'Rourke, K. S., & Bradley, L. (2021). Online virtual supervised visitation during the COVID-19 pandemic: One state's experience. *Family Court Review*, 59(1), 131-143.
- Ofcom. (2023). *Children and parents: Media use and attitudes*. [https://www.ofcom.org.uk/data/assets/pdf\\_file/0027/255852/childrens-media-use-and-attitudes-report-2023.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0027/255852/childrens-media-use-and-attitudes-report-2023.pdf)
- Orlando, L., Rousson, A. N., Barkan, S., Greenley, K., Everitt, A., & Tajima, E. A. (2021). Responding to COVID-19's impact on supervised family time: The supportive virtual family time model. *Developmental Child Welfare*, 3(1), 3-19.
- Pacheco, E., & Melhuish, N. (2018). *New Zealand teens and digital harm: Statistical insights into experiences, impact and response*. Wellington, New Zealand: Netsafe. <https://netsafe.org.nz/wp-content/uploads/2018/05/NZ-teens-and-digital-harm-statistical-insights-2018.pdf>
- Pacheco, E., & Melhuish, N. (2019). *Exploring New Zealand children's internet access, skills and opportunities. Evidence from Ngā taiohi matihiko o Aotearoa – New Zealand Kids Online*. <https://netsafe.org.nz/wp-content/uploads/2019/09/NZ-childrens-technology-access-use-skills-opportunities-2019-3.pdf>
- Pacheco, E., & Melhuish, N. (2020). *Parental awareness of children's experiences of online risks and harm. Evidence from Ngā taiohi matihiko o Aotearoa – New Zealand Kids Online*. Wellington, New Zealand: Netsafe. <https://netsafe.org.nz/wp-content/uploads/2020/10/Factsheet-Parental-awareness-of-childrens-experiences-of-online-risks-and-harm.pdf>
- Pan, L., Tian, F., Lu, F., Zhang, X., Liu, Y., Feng, W., Dai, G., & Wang, H. (2013, February). *An exploration on long-distance communication between left-behind children and their parents in China*. CSCW '13, San Antonio, USA.
- Phillips, S. D. (2012). *Video visits for children whose parents are incarcerated: In whose best interest?* [https://www.prisonpolicy.org/scans/sp/cc/Video\\_Visitation\\_White\\_Paper.pdf](https://www.prisonpolicy.org/scans/sp/cc/Video_Visitation_White_Paper.pdf)
- Racz, S. J., Johnson, S. L., Bradshaw, C. P., & Cheng, T. L. (2015). Parenting in the digital age: Urban black youth's perceptions about technology-based communication with parents. *Journal of Family Studies*, 23(2), 198–214.

- Rangiwai, B., & Sciascia, A. (2021). The impacts of COVID-19 on tangihanga. *Journal of Global Indigeneity*, 5(5), 1-14.
- Research Centre for Children and Families. (2020). *Virtual visitation for separated families: Research to practice*. University of Sydney. <https://www.sydney.edu.au/content/dam/corporate/documents/faculty-of-arts-and-social-sciences/research/research-centres-institutes-groups/virtual-visitation-for-separated-families.pdf>
- Rideout, V., & Robb, M. B. (2018). *Social media, social life: Teens reveal their experiences*. San Francisco, USA: Common Sense Media.
- Roche, E., Rocha-Hidalgo, J., Piper, D., Strouse, G. A., Neely, L. I., Ryu, J., Myers, L. J., McClure, E., Troseth, G. L., Zosh, J. M., & Barr, R. (2022). Presence at a distance: Video chat supports intergenerational sensitivity and positive infant affect during COVID-19. *Infancy*, 27, 1008-1031.
- Rodriguez, S. R. (2014). "We'll only see parts of each other's lives:" The role of mundane talk in maintaining nonresidential parent-child relationships. *Journal of Social and Personal Relationships*, 31(8), 1134-1152.
- Rudi, J., Dworkin, J., Walker, S., & Doty, J. (2015). Parents' use of information and communications technologies for family communication: differences by age of children. *Information, Communication & Society*, 18(1), 78-93.
- Saini, M., Mishna, F., & Barnes, J. (2011). *An exploration of virtual visitation as an option in divorce proceedings*. Final report for Family, Children & Youth Section, Policy Sector Department of Justice Canada. <https://tspace.library.utoronto.ca/bitstream/1807/72020/1/Saini%2c%20Mishna%2c%20%26%20Barnes%20Virtual%20Visitation%20Final%202012.pdf>
- Saini, M., Mishna, F., Barnes, J., & Polak, S. (2013). Parenting online: An exploration of virtual parenting time in the context of separation and divorce. *Journal of Child Custody*, 10(2), 120-140.
- Saini, M., & Polak, S. (2012a, June). *Virtual parent time*. Paper presented at the AFCC 49th Annual Conference, Chicago, Illinois, USA.
- Saini, M., & Polak, S. (2012b). *Virtual parent-child relationships: Emerging trends in child custody disputes* 49th Annual Conference of the Association of Family and Conciliation Courts conference, Chicago, Illinois, USA. <https://tspace.library.utoronto.ca/handle/1807/74738>
- Saini, M., & Polak, S. (2018). The benefits, drawbacks, and safety considerations in digital parent-child relationships: An exploratory survey of the views of legal and mental health professionals in family law. *Family Court Review*, 56(4), 597-606.
- Schepard, A. (2002). Virtual visitation: Computer technology meets child custody law. *New York Law Journal*, 228.
- Sciascia, A. D. (2016a). Negotiating place, negotiating identity: Rangatahi Māori in Facebook. In K. Nairn, P. Kraftl, & T. Skelton (Eds.), *Space, place, and environment. Geographies of Children and Young People 3* (pp. 67-85). Springer.
- Sciascia, A. D. (2016b). *Māori cultural revitalisation in social networking sites*. A paper prepared for Te Puni Kōkiri. <https://www.tpk.govt.nz/en/o-matou-mohiotanga/culture/maori-cultural-revitalisation-in-social-media>
- Shah, S. F. A., Hess, J. M., & Goodkind, J. R. (2019). Family separation and the impact of digital technology on the mental health of refugee families in the United States: Qualitative study. *Journal of Medical Internet Research*, 21(9), e14171.

- Share, M. (2019, October 30). Skyping the grandparents can be hard work! Parenting for a Digital Future. <https://blogs.lse.ac.uk/parenting4digitalfuture/2019/10/30/skyping-the-grandparents-can-be-hard-work>
- Share, M., Williams, C., & Kerrins, L. (2018). Displaying and performing: Polish transnational families in Ireland Skyping grandparents in Poland. *New Media & Society*, 20(8), 3011-3028.
- Shefts, K. R. (2002). Virtual visitation: The next generation of options for parent-child communication. *Family Law Quarterly*, 36(2), 303-327.
- Singer, J., & Brodzinsky, D. (2020). Virtual parent-child visitation in support of family reunification in the time of COVID-19. *Developmental Child Welfare*, 2(3), 153-171.
- Sjöblom, B., Franzén, A., & Aronsson, K. (2018). Contested connectedness in child custody narratives: Mobile phones and children's rights and responsibilities. *New Media & Society*, 20(10), 3818-3835.
- Smith, W. C. (2001). Just wait 'til your dad logs on! Virtual visitation is catching on to resolved child custody disputes. *ABA Journal*, September, 24.
- Smyth, B. (2004). Parent-child contact schedules after divorce. *Family Matters*, 69, 32-43.
- Spatz, J. C. (2010). Scheduled skyping with mom or dad: Communicative technology's impact on California family law. *Loyola of Los Angeles Entertainment Law Review*, 31(2), 143-174.
- Spielhofer, T. (2020). *Children's online risks and safety: A review of the available evidence*. Slough: National Foundation for Educational Research.
- Steinberg, S., & O'Sullivan, K. (2020, May 20). Separating parents and social media: helping families navigate online spaces even when parents live apart. Parenting for a Digital Future. <https://blogstest.lse.ac.uk/parenting4digitalfuture/2020/05/20/separating-parents-and-social-media/>
- Stewart Titus, M. (2012). "Phone home": Remote parenting across national borders – Jamaican students in North America and the role of mobile communication devices. Proceedings of the 69th New York State Communication Association, Volume 2011, Article 4.
- Strouse, G. A., McClure, E., Myers, L. J., Zosh, J. M., Troseth, G. L., Blanchfield, O., Roche, E., Malik, S., & Barr, R. (2021). Zooming through development: Using video chat to support family connections. *Human Behavior and Emerging Technologies*, 3(4), 552-571.
- Susskind, A. (2008). New technology narrows the gap for long-distance parents. *Law Society Journal*, April, 16-18.
- Szalma, I., & Rékai, K. (2020). Personal and online contact during the COVID-19 pandemic among nonresident parents and their children in Hungary. *International Journal of Sociology*, 50, 495–503.
- Taiuru, K. N. (2019). *Indigenising knowledge of telecommunications and smart phones*. <https://taiuru.co.nz/huia/>
- Taiuru, K. (2020). *Online learning and tikanga Māori*. <https://www.taiuru.maori.nz/online-learning-culturally-appropriate-for-maori/>
- Tamme, V., & Siibak, A. (2012). Enhancing family cohesion through web-based communication: Analysis of online communication practices in Estonian families. *Observatorio (OBS\*) Journal*. DOI:10.15847/OBSOBS000581
- Tarasuik, J. C., Galligan, R., & Kaufman, J. (2011). Almost being there: Video communication with young children. *PLoS ONE*, 6(2), 1-8.

- Tarasuik, J., Galligan, R., & Kaufman, J. (2013). Seeing is believing but is hearing? Comparing audio and video communication for young children. *Frontiers in Psychology*, 4, Article 64.
- Tarasuik, J., & Kaufman, J. (2017). When and why parents involve young children in video communication. *Journal of Children and Media*, 11(1), 88-106.
- Tariq, A., Muñoz Sáez, D., & Khan, S. R. (2022). Social media use and family connectedness: A systematic review of quantitative literature. *New Media & Society*, 24(3), 815-832.
- Taylor, N., Gollop, M., & Henaghan, M. (2010). *Relocation following parental separation: The welfare and best interests of children*. Research report to the NZ Law Foundation. Dunedin: Centre for Research on Children and Families, University of Otago.
- Thynne, A., McLelland, J., & Keelan, R. (2022). Whanaungatanga via digital media within early childhood education: A cultural lens of knowing, being and doing. *He Kupu: The Word*, 7(1), 21-27.
- Tommy, H. (2013). *Digital stepping stones: Exploring Pasifika students' uses and views of digital media and their effect on the transition to postsecondary education and employment* [Master in Communication Studies, Auckland University of Technology]. <https://apo.org.au/sites/default/files/resource-files/2014-04/apo-nid110551.pdf>
- Troseth, G. L., Saylor, M. M., & Archer, A. H. (2006). Young children's use of video as a source of socially relevant information. *Child Development*, 77(3), 786-799.
- Waitoa, K., Scheyvens, R., & Warren, T. (2015). E-Whanaungatanga: The role of social media in Māori political empowerment. *AlterNative: An International Journal of Indigenous Peoples*, 11(1), 45-58.
- Wallerstein, J. S., & Tanke, T. J. (1996). To move or not to move: Psychological and legal considerations in the relocation of children following divorce. *Family Law Quarterly*, 30(2), 305-332.
- Welsh, D. (2008). Virtual parents: How virtual visitation legislation is shaping the future of custody law. *Journal of Law and Family Studies*, 11, 215-225.
- West, A., Lewis, J., & Currie, P. (2009). Students' Facebook 'friends': Public and private spheres. *Journal of Youth Studies*, 12(6), 615-627.
- Wilding, R. (2006). 'Virtual' intimacies? Families communicating across transnational contexts. *Global Networks*, 6(2), 125-142.
- Wilkinson, C., Low, F., & Gluckman, P. (2021). *Screen time: The effects on children's emotional, social, and cognitive development*. Auckland, New Zealand: Koi Tū: The Centre for Informed Futures.
- Wolman, R., & Pomerance, R. (2012). *Telepresence technology in divorce and separation*. <http://matthewlombard.com/ISPR/Proceedings/2012/WolmanEtAl.pdf>
- Wood, A., Gray, L., Bowser-Angermann, J., Gibson, P., Fossey, M., & Godier-McBard, L. (2022). Social media and Internet-based communication in military families during separation: An international scoping review. *New Media & Society*, 25(7), 1802-1823.
- Woodlock, D., McKenzie, M., Western, D., & Harris, B. (2019). Technology as a weapon in domestic violence: Responding to digital coercive control. *Australian Social Work*, 73(3), 368-380.
- Yaman, E. (2021). *The implication of parental and child smartphone use on parent-child and family relationships: A case-study of the Turkish-speaking community in London* [Doctor of Philosophy, University of Westminster].



- Yarosh, S. (2008). *Supporting long-distance parent-child interaction in divorced families*. Paper presented at the CHI 2008 Conference – Student research competition, Florence, Italy <https://dl.acm.org/doi/pdf/10.1145/1358628.1358932>
- Yarosh, S. (2015). Designing technology to empower children to communicate with non-residential parents. *International Journal of Child-Computer Interaction*, 3-4, 1-3.
- Yarosh, S., & Abowd, G. D. (2011, May). *Mediated parent-child contact in work-separated families*. Paper presented at the CHI 2011 Conference, Vancouver, Canada.
- Yarosh, S., Chew, Y. C. D., & Abowd, G. D. (2009). Supporting parent-child communication in divorced families. *International Journal of Human-Computer Studies*, 67, 192-203.
- Yeary, J., Zoll, S., & Reschke, K. (2012). When a parent is away: Promoting strong parent-child connections during parental absence. *Zero to Three*, 32, 5-10.

## Acts

- Care of Children Act 2004  
 Oranga Tamariki Act 1989, Children’s and Young People’s Well-being Act 1989  
 Hague Convention on the Civil Aspects of International Child Abduction 1980

## Cases

- Ahmad v Hassan* [2023] NZFC 6888  
*Andersen v Lewis* [2023] NZHC 390  
*Azoulay v Nelson* [2017] NZFC 7713  
*Bailey v Almanza* [2021] NZFC 12886  
*Baker v Harding* [2018] NZHC 2885  
*Barnett v Cline* [2020] NZFC 7624  
*Benson v Schwartz* [2019] NZCFC 8114  
*Blair v Blair* [2022] NZFC 4030  
*Bristow v Fisher* [2020] NZFC 4915  
*Burnett v Burnett* [2017] NZHC 417  
*Cann v Farley* [2020a] NZFC 2610  
*Cann v Farley* [2020b] NZFC 2611  
*Carson v Holt* [2021] NZFC 8280  
*Chief Executive of Oranga Tamariki – Ministry for Children v Hodgson* [2018] NZHC 2491  
*Chief Executive of Oranga Tamariki – Ministry for Children v Rehi* [2019] NZFC 5518  
*Chief Executive of Oranga Tamariki – Ministry of Children v Frye* [2020] NZFC 6519  
*Collins v Barrett* [2020] NZFC 3082  
*Curiel v Zemanova* [2021] NZFC 6283  
*Davidson v Barnes* [2020] NZFC 3089  
*Evans v Roberts* [2020] NZHC 206  
*Fayen v Lees* [2022] NZFC 8870  
*Fleming v Hibbart* [2019] NZFC 340  
*Fransson v Fransson* [2021] NZFC 11755  
*Giles v Winkler* [2021] NZFC 705  
*Giroux v Bond* [2021] NZFC 11188  
*Graves v Tonks* [2019] NZFC 4473

*Hampton v Rennie* [2020] NZFC 2422  
*Harris v Barker* [2021] NZFC 6404  
*Henderson v Henderson* [2019] NZFC 9936  
*Hopkins v Jackson* [2022] NZHC 2649  
*Hughes v Trask* [2020] NZFC 11292  
*K v P* [2018] NZHC 3027  
*Lake v Newton* [2023] NZFC 7726  
*Larson v Mosley* [2019] NZFC 386  
*Lister v Roberts* [2023] NZHC 1583  
*Mackie vs Nichols* [2021] NZFC 11813  
*May v Booth* [2022] NZFC 856  
*Mazar v Holloway* [2019] NZFC 9520  
*McDonald v McDonald* [2017] NZHC 1866  
*Meadows v Newman* [2017] NZFC 2358  
*Mellor v Parkin* [2017] NZFC 4496  
*Molloy v Molloy* [2020] NZFC 11546  
*Nikau v Nikau* [2018] NZHC 1862  
*Nikau v Tatchell* [2018] NZFC 1239  
*O P v J M* [2022] NZHC 3022  
*Paarua v Ruiha* [2022] NZFC 3352  
*Pathan v Sarbani* [2022] NZFC 5581  
*Puckett v Mason* [2020] NZFC 3899  
*Rajan v Crosby* [2017] NZFC 4064  
*Re Price* [2021] NZHC 2764  
*Rice v Cartwright* [2021] NZFC 11153  
*RM v TC* [2021] NZHC 595  
*Ronin v Rigby* [2019] NZFC 5075  
*Rowley v Qamas* [2017] NZFC 2023  
*Rush v Mercer* [2021] NZFC 1592  
*Scott v Harris* [2021] NZHC 2579  
*SDW v SEB* [2012] NZHC 3314  
*Seth v Bhave* [2020] NZFC 8327  
*SG v DSG* [2019] NZHC 2523  
*Sharp v Sharp* [2019] NZFC 1184  
*Sika v Foster* [2023] NZFC 2435  
*Snyder v Hardy* [2020] NZFC 11091  
*Thu v Kin* [2023] NZFC 4035  
*Watkins v Watkins* [2020] NZFC 9832  
*Watkins v Watkins* [2021] NZFC 11934  
*Watson v Buckner* [2022] NZFC 2778  
*Weaver v Bradford* [2021] NZFC 4319  
*Westcott v Westcott* [2021] NZFC 3733  
*Wilder v Keith* [2020] NZFC 5074  
*XL v RH* [2020] NZHC 3498

# APPENDICES

## Appendix A: Information Sheet



# Virtual Contact After Parental Separation Study

Thank you for showing an interest in this project. Please read this information sheet carefully before deciding whether to participate. If you decide to participate, we thank you. If you decide not to take part, you will be at no disadvantage, and we thank you for considering our request.

**Information Sheet for  
Family Justice Professionals**

### What is the aim of the project?

This study is investigating post-separation indirect parent-child contact using electronic, digital or online modes of communication (virtual contact) from multiple perspectives. Phase One will focus on legal and academic perspectives and involves surveying family justice professionals about their perspectives on, and their clients' use of, virtual contact. The aim is to understand the benefits, challenges and risks of virtual contact and barriers to its use. The overall objective of the proposed three-phase project is to provide families and family justice professionals with up-to-date information, resources and guidance on how parent-child relationships can be successfully and safely facilitated and maintained after parental separation through the use of electronic/digital modes of communication.

### What type of participants are being sought?

This study is for all family justice professionals working within the New Zealand family justice system. This includes professionals such as Family Court Judges, mediators, Family Dispute Resolution providers, family lawyers, Lawyer for the Child, psychologists, counsellors, specialist report writers, Parenting through Separation providers, Community Law centre staff and anyone else providing advice, guidance or support to separated parents/caregivers and/or children with their parenting arrangements.

Participants are being recruited through their professional bodies and/or via publicly available email addresses.

### What will participants be asked to do?

Should you agree to take part in this study, you will be asked to complete an online survey about post-separation parent-child virtual contact. This should take around 20 minutes. You are able to skip any questions you do not wish to answer and the survey does not need to be completed in one sitting.

We do not anticipate any risks associated with completing the survey. Please be aware that you may decide not to take part in the study without any disadvantage to yourself.





# Virtual Contact After Parental Separation Study (VCAPS)

## What data or information will be collected and how will it be used?

We are interested in your views on the benefits and challenges of virtual parent-child contact for separated families. The survey will collect information about your experiences of, and perspectives on, virtual contact, and any barriers to its use, as well as your views about information needs relating to virtual contact for both the family justice sector and separated families. You will also be asked to provide information about your professional background and some demographic data.

The survey will not ask you for any personal information that could identify you, unless you choose to provide your email address. However, your email address will be stored in a separate file to your survey responses. Only the researcher (Dr Megan Gollop) and the website administrators (Core Development) can access the data that will be stored on a secure server.

The study findings will not identify individual participants, and the responses from all those who complete the survey will be combined and analysed as a group. Quotes from open-ended responses may be used in reports in an unidentifiable way. The findings of the research will be written in a report that will be made publicly available and distributed to key stakeholders, family justice professionals and other interested parties. Articles may also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity. A summary of the study findings and the final report will be made available on the websites of the University of Otago Children's Issues Centre and the Michael and Suzanne Borrin Foundation.

The data collected will be securely stored in such a way that only those mentioned above will be able to gain access to it. Data obtained through the research will be retained for at least five years in secure storage. Any personal information held on the participants (such as their email addresses) will be destroyed at the completion of the research even though the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

## Can participants change their mind and withdraw from the project?

You may withdraw from participating in the project at any time prior to data analysis commencing without any disadvantage to yourself. However, if you choose to answer the survey anonymously (by not providing your email address), once your answers are saved we are unable to identify your particular responses and therefore you cannot view, amend or withdraw your data.

## What if participants have any questions?

If you have any questions about the project, either now or in the future, please feel free to contact the Principal Investigator:

**Dr Megan Gollop**  
Children's Issues Centre | Manawa Rangahau Tamariki  
Faculty of Law | Te Kaupeka Tātai Ture  
University of Otago | Te Whare Wānanga o Ōtago

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**Email** [megan.gollop@otago.ac.nz](mailto:megan.gollop@otago.ac.nz) or  
[vcaps.study@otago.ac.nz](mailto:vcaps.study@otago.ac.nz)

**To contact the researcher about the survey:**

**Tel 0800 472 776**

**Email [vcaps.study@otago.ac.nz](mailto:vcaps.study@otago.ac.nz)**

**To complete the survey: [vcaps.co.nz](http://vcaps.co.nz)**

This study has been approved by the University of Otago Human Ethics Committee (reference number: 23/054). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (Tel 03 479 8256 or email [gary.witte@otago.ac.nz](mailto:gary.witte@otago.ac.nz)). Any issues you raise will be treated in confidence and investigated, and you will be informed of the outcome.

## Appendix B: Consent Form

Reference Number 23/054

August 2023



### ***VIRTUAL CONTACT AFTER PARENTAL SEPARATION STUDY***

#### **CONSENT FORM FOR PARTICIPANTS**

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time prior to data analysis commencing without any disadvantage if I have provided my email address;
3. Personal identifying information such as my email address (if provided) may be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project is funded by the Michael and Suzanne Borrin Foundation;
5. The results of the project will be published, but every attempt will be made to ensure that I will not be identified.

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email [gary.witte@otago.ac.nz](mailto:gary.witte@otago.ac.nz)). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

## Appendix C: Family Justice Professional Online Survey

This survey is for New Zealand family justice professionals and practitioners:

- with experience of working with parents/caregivers and/or children after parental separation;
- in relation to children's post-separation care and contact arrangements.

Does this apply to you?

- No > Unfortunately, the survey questions don't apply to you, but many thanks for your interest.
- Yes > Please read the following information about the study.

**Information sheet [link to read or download]**

**Consent form [link to read or download]**

- I have read the Information Sheet about this study and the Consent Form and agree to take part.

Please enter your email address. This is needed so:

- You can come back into the survey to complete it if you had to quit for any reason, or because of technical difficulties. A link to the survey where you left off will be sent, the following day, to the email address you provide. **Please note: If this email address is shared with other people they could also have access to your survey responses through this link.**
- We can email you a summary of the findings when the study is completed.

Please enter your email address. We will never provide your email address to a third party.

**Open text box [saved in separate file with unique ID number]**

- I do not wish to provide an email address.

Thank you very much for agreeing to complete this survey.

- The information you will provide is important so please try to answer every question.
- While each question needs an answer, you can skip any questions you don't want to answer by clicking on the cross (x) in the top right-hand corner.
- Your responses are saved automatically at the end of each screen page. It is best to complete the survey in one go, but if you quit out for any reason and have provided your email address, we will send you an email the next day so you can get back into the survey where you left off.

	<p>What is your <b>current</b> role or roles within the New Zealand family justice sector? Please select all that apply. (selected=1, not selected=0)</p>
1a	Lawyer providing advice/representing parties
1b	Lawyer for the Child
1c	Community Law Centre staff member or volunteer
1d	Mediator (either Family Dispute Resolution (FDR) provider and/or private practice)
1e	Specialist report writer
1f	Psychologist
1g	Counsellor/therapist
1h	Family Court counsellor
1i	Social worker
1j	Child's Voice Practitioner/Child Inclusion Specialist/Voice of Child Specialist
1k	Supervised contact provider/supervisor
1l	Parenting Through Separation provider/facilitator
1m	Kaiārahi – Family Court Navigator
1n	Family Court judge
1ot	Other
1ota	<p>If 1ot=1</p> <p>Please specify your other current role(s) within the New Zealand family justice sector.</p> <p>Open text box</p>
	<p>How familiar are you with the following virtual communication activities?</p> <p>1=Not at all familiar 2=Slightly familiar 3=Moderately familiar 4=Very familiar 5=Extremely familiar</p>
2tx	Texting/SMS messaging via mobile phone
2mg	Text messaging via apps or social media (e.g., Facebook Messenger, Snapchat, WhatsApp, Viber)
2em	Emailing
2vc	Video-calling (e.g., via Zoom, Skype, FaceTime, Snapchat, WhatsApp)
2sm	Social media posting (e.g., via Facebook, Twitter/X)
2pv	Sharing photos and/or videos via apps (e.g., TikTok, Instagram, Snapchat, WhatsApp)
2gm	Playing online or app games

**Virtual contact** refers to post-separation indirect (non-face-to-face) contact between a parent and their child(ren) using information and communication technologies (ICTs). It includes any communication via electronic, digital or online technologies and could, for example, include the use of phone calls, video-conferencing (e.g., Zoom, Skype), email, texting, social media, messaging apps, and online games. While virtual contact primarily relates to children having contact with their non-resident/contact parent, it can also occur between children and either of their parents while in the care of the other.

3ad	<p>In your role(s), how often do you provide advice about or discuss virtual contact with the family/whānau members you work with?</p> <p>1=Never 2=Rarely 3=Sometimes 4=Often</p>
4ad	<p>In your role(s), how confident do you feel about advising the family/whānau members you work with about virtual contact?</p> <p>1=Not at all confident 2=Slightly confident 3=Moderately confident 4=Very confident 5=Extremely confident</p>
5jpo	<p><b>If 1n=1</b></p> <p>How often do you include provisions for virtual contact in Parenting Orders that you make?</p> <p>1=Never 2=Rarely 3=Sometimes 4=Often</p>
6pn	<p>Approximately, what proportion of the families/whānau you work with have some form of parent-child virtual contact?</p> <p>1=None <b>[Go to series 9]</b> 2=Less than a quarter 3=Between a quarter and a half 4=Over a half but less than three-quarters 5=Three-quarters or more 99=Don't know/Not sure</p>

<p>7pc 7tx 7mg 7em 7vc 7sm 7pv 7gm 7ot 7na 7dk</p>	<p>What communication modes/activities do these families/whānau use for parent-child virtual contact? Please select all that apply. (selected=1, not selected=0)</p> <p>Phone calls (via mobile phone or landline) Texting/SMS messaging via mobile phone Text messaging via apps or social media (e.g., Facebook Messenger, Snapchat, WhatsApp) Emailing Video-calling (e.g., via Zoom, Skype, FaceTime, Snapchat, WhatsApp) Social media posting (e.g., via Facebook, Twitter/X) Sharing photos and/or videos via apps (e.g., TikTok, Instagram, Snapchat, WhatsApp) Playing online or app games Other [Go to 7ota] None of the above Don't know/Not sure</p>
<p>7ota</p>	<p>If 7ot=1 What other communication modes/activities do these families/whānau use for parent-child virtual contact?</p> <p>Open text box</p>
<p>8gd 8sc 8mc</p>	<p>For the families/whānau you work with, please rank how common the following reasons are for using virtual contact, from 1=most common to 3=least common.</p> <p>Face-to-face contact is not possible or frequent due to geographical distance Face-to-face contact is not possible due to child protection or safety concerns To maintain contact between regular face-to-face visits (supplementary or adjunct contact)</p>
<p>9cc 9ad 9sc 9ot 9na</p>	<p>In your work with families/whānau, in what other contexts do children have virtual contact with parents besides parental separation? Please select all that apply. (selected=1, not selected=0)</p> <p>Children in care Adoption Supervised contact Other [Go to 9ota] None of the above</p>

9ota	<p>If 9ot=1</p> <p>In what other contexts do children have virtual contact with parents?</p> <p>Open text box</p>
10sb	<p>In your view, what are the benefits or strengths (if any) of parent-child virtual contact after parental separation?</p> <p>Open text box</p>
<p>11a</p> <p>11b</p> <p>11c</p> <p>11d</p> <p>11e</p> <p>11f</p> <p>11g</p> <p>11h</p> <p>11i</p> <p>11j</p> <p>11k</p> <p>11l</p> <p>11m</p> <p>11na</p>	<p>The following are some of the <b>opportunities or benefits</b> that virtual contact can provide. Please select <b>the five</b> that you think are <b>the most important</b>.</p> <p>If you think none of them are important, please select none of the above. (selected=1, not selected=0)</p> <p>Maintaining a parental presence in children’s lives when geographically apart</p> <p>Maintaining and/or strengthening parent-child relationships</p> <p>Enabling parents and children to stay connected in real time</p> <p>Facilitating children’s involvement in their other parent’s household</p> <p>Enabling everyday parenting e.g., helping with homework, reading bedtime stories</p> <p>Enabling parent-child contact to occur independently of the other parent</p> <p>Ensuring children’s safety in cases of family violence or high conflict</p> <p>Protecting children from interparental conflict</p> <p>Enabling relocations to proceed</p> <p>Helping parents to remain informed about their children while at the other parent’s home</p> <p>Enabling contact between children and other family/whānau, such as extended family members and/or siblings</p> <p>Compensating for limited direct face-to-face contact</p> <p>Enabling everyday informal contact</p> <p>None of the above</p>
12br	<p>In your view, what are the challenges, drawbacks or risks (if any) of parent-child virtual contact after parental separation?</p> <p>Open text box</p>
<p>13ty</p> <p>13a</p> <p>13b</p> <p>13c</p> <p>13tyna</p>	<p>If 6pn≠1</p> <p>Do the family/whānau members you work with report any of the following <b>issues, concerns, difficulties or challenges</b> with virtual contact? Please select all that apply. (selected=1, not selected=0)</p> <p><b>Issues Related to Technology</b></p> <p>Access problems (no or unreliable Internet; lack of technology, devices, webcams etc.)</p> <p>Cost issues (of technology, devices, mobile data, Internet/broadband costs)</p> <p>Parental lack of competence/familiarity with technology</p> <p>None of the above</p>

13pi	<b>Issues Related to Parents/Caregivers</b>
13d	The other parent deliberately not facilitating or obstructing virtual contact (e.g., by not having the necessary technology or the child/ren available)
13e	Parental monitoring or listening
13f	Parental non-compliance (e.g., missing scheduled contact, not answering calls)
13g	Disagreements/conflict between parents about virtual contact
13h	Parents using virtual contact/technology against the other parent
13i	Parents making audio or video recordings of virtual contact
13j	Presence/interference of others e.g., partners during contact
13pina	None of the above
13cn	<b>Issues Related to Children</b>
13k	Child's reluctance to have virtual contact
13l	Child's lack of responsiveness, difficulties keeping children engaged
13m	Child's age – too young to use technology
13cna	None of the above
13cv	<b>Issues Related to Communicating Virtually</b>
13n	Need for another person to facilitate or scaffold virtual contact (especially for younger children)
13o	Limitations of mediated communication – superficiality of contact, inability to replace direct, face-to-face contact; difficulty with conversations
13cvna	None of the above
13sy	<b>Safety Issues</b>
13p	General online safety concerns for children (e.g., online bullying, privacy, scams etc.)
13q	Safety concerns for parents and/or children in cases of high conflict or family violence/coercive control
13r	Potential for unmonitored or unapproved contact
13syna	None of the above
13ot	Do the families/whānau you work with report any other issues, concerns, difficulties or challenges with virtual contact?  1=Yes 0=No
13ota	Please specify what other issues, concerns, difficulties or challenges with virtual contact the families/whānau members you work with report.  <b>Open text box</b>
	Of those issues, concerns, difficulties or challenges you selected, please identify <b>those most commonly reported</b> by the family/whānau members you work with. Please select <b>up to five</b> . <b>(selected=1, not selected=0)</b>
14a	Access problems (lack of technology, devices, webcams etc.; no or unreliable Internet)
14b	Cost issues (of technology, devices, mobile data, Internet/broadband costs)
14c	Parental lack of competence/familiarity with technology
14d	The other parent deliberately not facilitating or obstructing virtual contact (e.g., by not having the necessary technology or the child/ren available)
14e	Parental monitoring or listening



14f	Parental non-compliance (e.g., missing scheduled contact, not answering calls)
14g	Disagreements/conflict between parents about virtual contact
14h	Parents using virtual contact/technology against the other parent
14i	Parents making audio or video recordings of virtual contact
14j	Presence/interference of others e.g., partners during contact
14k	Child's reluctance to have virtual contact
14l	Child's lack of responsiveness, difficulties keeping children engaged
14m	Child's age – too young to use technology
14n	Need for another person to facilitate or scaffold virtual contact (especially for younger children)
14o	Limitations of mediated communication – superficiality of contact, inability to replace direct, face-to-face contact; difficulty with conversations
14p	General online safety concerns for children (e.g., online bullying, privacy, scams etc.)
14q	Safety concerns for parents and/or children in cases of high conflict or family violence/coercive control
14r	Potential for unmonitored or unapproved contact
14ot	Other issues, concerns, difficulties or challenges
15ch	Are you aware of any particular challenges or issues with virtual contact <b>experienced or reported by children</b> ? If so, please specify.  <b>Open text box</b>
16br	What barriers (if any) prevent families/whānau from using virtual contact?  <b>Open text box</b>
17ww	In what situations (if any) do you think virtual contact is most appropriate or works well? What are the features of successful virtual contact?  <b>Open text box</b>
18na	In what situations (if any) do you think virtual contact is not appropriate, problematic, or should not be used at all?  <b>Open text box</b>
19co	In what situations (if any), do you think virtual contact needs to be court ordered or specified in a Parenting Order or parenting agreement/plan, rather than being left to happen informally?  <b>Open text box</b>
20cu	Are there any Te Tiriti o Waitangi or cultural considerations in relation to virtual contact for Māori and their whānau (e.g., tikanga or other considerations)? If so, please specify.  <b>Open text box</b>

21cu	<p>Are there any cultural considerations in relation to virtual contact for other ethnic groups, such as Pasifika, Asian, immigrants, refugees or other cultures? If so, please specify.</p> <p>Open text box</p>
22pg	<p>Are there any specific considerations or issues relating to virtual contact for particular situations (such as those involving disabled children and/or parents; very young children; family violence; parental imprisonment; or other)? If so, please specify.</p> <p>Open text box</p>
<p>23pc</p> <p>23tx</p> <p>23mg</p> <p>23em</p> <p>23vc</p> <p>23sm</p> <p>23pv</p> <p>23gm</p>	<p>What is the <b>lowest age range</b> that you believe children can easily use the following modes of communication/activities to have virtual contact with a parent, <b>independently, <u>without</u> the assistance or facilitation of another person?</b></p> <p>1=Under 3 years  2=3–5 years  3=6–9 years  4=10–12 years  5=13–15 years  6=16+ years  7=Not at any age  99=Don't know/Not sure</p> <p>Phone calls (via mobile phone or landline)  Texting/SMS messaging via mobile phone  Text messaging via apps or social media (e.g., Facebook Messenger, Messenger Kids, Snapchat, WhatsApp)  Emailing  Video-calling (e.g., via Zoom, Skype, FaceTime, Snapchat, WhatsApp)  Social media posting (e.g., via Facebook, Twitter/X)  Sharing photos and/or videos via apps (e.g., via TikTok, Instagram, Snapchat, WhatsApp)  Playing online or app games</p>

<p>24pc 24tx 24mg  24em 24vc 24sm 24pv  24gm</p>	<p>What is the <b>lowest age range</b> that you believe children can easily use the following modes of communication to have virtual contact with a parent, <b><u>with</u> the assistance or facilitation of another person?</b></p> <p>1=Under 3 years 2=3–5 years 3=6–9 years 4=10–12 years 5=13–15 years 6=16+ years 7=Not at any age 99=Don't know/Not sure</p> <p>Phone calls (landline or mobile phone) Texting/SMS messaging via mobile phone Text messaging via apps or social media (e.g., Facebook Messenger, Messenger Kids, Snapchat, WhatsApp) Emailing Video-calling (e.g., via Zoom, Skype, FaceTime, Snapchat, WhatsApp) Social media posting (e.g., via Facebook, Twitter/X) Sharing photos and/or videos via apps (e.g., via TikTok, Instagram, Snapchat, WhatsApp) Playing online or app games</p>
<p>25ca</p>	<p>Please share any comments you may have about children's ages and/or generational issues in relation to virtual contact.</p> <p>Open text box</p>
<p>26ta</p>	<p>What tips or advice (if any) would you share with parents/caregivers and/or children about using virtual contact after parental separation?</p> <p>Open text box</p>
<p>27hf</p>	<p>How helpful do you think having information, resources and/or guides about virtual contact would be for <b>separated families/whānau?</b></p> <p>1=Not at all helpful 2=Slightly helpful 3=Moderately helpful 4=Very helpful 5=Extremely helpful 99=Don't know/Not sure</p>

28hp	<p>How helpful do you think having information, resources and/or best practice guides about virtual contact would be for <b>family justice professionals</b>?</p> <p>1=Not at all helpful  2=Slightly helpful  3=Moderately helpful  4=Very helpful  5=Extremely helpful  99=Don't know/Not sure</p>
29pd	<p>What topics or issues relating to virtual contact (if any) would you find it helpful to have more information, guidance or training about?</p> <p>Open text box</p>
30cg	<p>In your experience, have you seen a change over the last 5 years in the use of parent-child virtual contact after parental separation? Has it ...</p> <p>1=Decreased?  2=Stayed about the same?  3=Increased?  99=Don't know/Not sure</p>
31ppl	<p>Are there any changes to policy, practice or the law relating to post-separation parent-child virtual contact that you think are needed? If so, please specify.</p> <p>Open text box</p>
32ai	<p>Please add any comments you may have about the future role of technology in post-separation parent-child contact given the pace of technological change.</p> <p>Open text box</p>
33ov	<p>Overall, how do you regard post-separation parent-child virtual contact?</p> <p>1=Very negatively  2=Somewhat negatively  3=Somewhat positively  4=Very positively  99=Don't know/Not sure</p>
34fc	<p>Please add any further comments you may have about post-separation parent-child virtual contact.</p> <p>Open text box</p>

35sx	<p>Finally, just some questions about yourself. Are you ...</p> <p>1=Male 2=Female 3=Gender diverse 66=Prefer not to answer</p>
36a 36b 36c 36d 36e 36f 36g 36h 36ot	<p>Which ethnic group(s) do you belong to? Please select the option(s) which apply to you.</p> <p>New Zealand European (selected=1, not selected=0) Māori (selected=1, not selected=0) Samoan (selected=1, not selected=0) Cook Islands Māori (selected=1, not selected=0) Tongan (selected=1, not selected=0) Niuean (selected=1, not selected=0) Chinese (selected=1, not selected=0) Indian (selected=1, not selected=0) Other (such as Dutch, Japanese, Tokelauan) (selected=1, not selected=0) [Go to 36ota]</p>
36ota	<p>If 36ot=1 Please specify which other ethnic group(s) you belong to.</p> <p>Open text box</p>
37a 37b 37c 37d 37e 37f 37g 37h 37i 37j 37k 37l 37m 37n 37o 37p	<p>What region(s) do you work in? Please select all that apply. (selected=1, not selected=0)</p> <p>Northland Auckland Waikato Bay of Plenty Gisborne Taranaki Hawke's Bay Manawatū-Whanganui Wellington Tasman Nelson Marlborough West Coast Canterbury Otago Southland</p>
38fc	<p>That was the last question. Please add any <b>final comments</b> you may have.</p> <p>Open text box</p>